



# भारत का राजपत्र

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No. 41] NEW DELHI, SATURDAY, OCTOBER 9, 1993/ASVINA 17, 1915

इस भाग में इस पृष्ठ संख्या वी जाती है जिससे कि वह अद्यता संकलन के लिए भाग  
रखा जाए

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—संख्या ३—उप-उपखण्ड (ii)  
PART II—Section 3—Sub-Section (ii)

(राज मंत्रालय को लोडकर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए नियमित आदेश और अधिसूचनाएं  
Statutory Orders and Notifications issued by the Ministries of the Government  
of India (other than the Ministry of Defence)

गृह मंत्रालय  
(पुनर्वास प्रभाग)

नई दिल्ली, 16 सितंबर, 1993

2082.—विस्थापित व्यक्ति (प्रतिकरण व्यक्ति) अधिनियम, 1954 (1954 का 44) की धारा ४४ के अधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा निर्देश दिली है, कि उक्त अधिनियम की धारा ३३ के अन्तर्गत इसके द्वारा प्रयोग की जाने वाली शक्तियां महाराष्ट्र राज्य में क्षतिग्रुहि पूल के भाग के रूप में भूमि एवं सम्पत्तियों के संबंध में अपने स्वयं के दायित्वों के प्रतिरक्षित सचिव (सहायता एवं पुनर्वास) राजस्व एवं कन किलाम, महाराष्ट्र सरकार द्वारा भाग प्रयोग करा जाएंगी।

2. इस अधिसूचना के द्वारा दिनांक 14-1-1988 को अधिसूचना संख्या 1(5) विशेष कांड 86—एस एस-II का अविक्रमण किया जाता है।

[संख्या 1(7)/93-वन्वीकरण]  
पो. टी. चकोचन, अवर सचिव

MINISTRY OF HOME AFFAIRS  
(Rehabilitation Division)

New Delhi, the 15th September, 1993

S.O. 2082.—In exercise of the powers conferred by Sub-Section (i) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) the Central Government hereby directs that the powers exercisable by it under Section 33 of the said Act shall be exercisable also by the Secretary (Relief and Rehabilitation) Revenue and Forest Department, Government of Maharashtra in addition to his own duties in respect of the lands and properties forming part of the Compensation Pool within the State of Maharashtra.

2. This notification supersedes Notification No. 1(5)/Spl. Cell/86-SS II dated 14-1-1988.

[No. 1(7)/93-Settlement  
P. T. CHACKOCHAN, Under Secy.

कार्मिक, लोक शिकायत तथा पेशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)  
नई दिल्ली, 16 सितंबर, 1993

का. आ. 2083.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधि-

नियम सं. 25) की धारा 6 के साथ पठित धारा 5 को उपधारा (1) द्वारा प्रदत्त जक्तियों का प्रयोग करते हुए सं.एव डी/50/वी भी आर तारीख 22-4-1993 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति द्वारा विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार, आर. सी. 12 (एस) 93—बी एल आर में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 149 के साथ गठित धारा 143, 147, 148, 149, 302 के अन्तर्गत दंडनीय अपराधों अथवा नानजगुड फरल पुलिस स्टेशन, त्रिता मंगूर, कर्नाटक राज्य में रजिस्टर मास्टर सं. 19/93, 20/93, 51/93 तथा 52/93 के संबंध में अवधा उनसे संबंधित ग्रन्तियों, दुष्प्रेरणाओं और घटनाओं तथा उन्हीं तथ्यों ने उन्हाँ द्वारा दिये गये कोई अद्यतन किये गये किन्हीं अन्य अपराधों के अन्वेषण के लिए, सन्तुर्ण कर्नाटक राज्य पर करती है।

[संख्या 228/58/93-ए. वी. डी.-II]  
आर. एस. बिष्ट, अवधा अधिकारी

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 16th September, 1993

S.O. 2083.—In exercise of the powers conferred by sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Karnataka accorded vide No. HD/50/PCR dated 22-4-1993 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences in RC 12(S)/93-BLR punishable under Sections 143, 147, 148, 149, 302 read with 149 of the Indian Penal Code 1860 (Act No. 45 of 1860) any attempts, abetments and conspiracy in relation to or in connection with the said offences and any other offences committed in the course of the same transaction arising out of the same facts in regard to case Cr. No. 19/93, 20/93, 51/93 and 52/93 registered in Nanjangud Rural Police Station, Mysore District, Karnataka State.

[No. 228/58/93-AVD-II]  
R. S. BISHT, Under Secy.

आदेश

नई दिल्ली, 24 सितम्बर, 1993

फा. आ. 2084.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 5 के साथ पठित धारा 6 का उपधारा (1) द्वारा प्रदत्त जक्तियों का प्रयोग करते हुए केन्द्रीय सरकार जी. ओ. आर. टी. सं. 1553 तारीख 14-6-93 द्वारा प्राप्त आधी प्रदेश राज्य सरकार की सहमति से, दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार, केन्द्रीय अन्वेषण व्यूरो, नई दिल्ली द्वारा आर. सी. सं. 10(एस) 93—दिल्ली दिनांक 28-4-93 में रजिस्टर किये गये अपराधों के अन्वेषण के लिए तथा

वांगन एक या अधिक आराधों में संबंधित या उनसे संबंधित प्रयत्न, दुष्प्रेरण और बद्यवंत तथा उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में हिते गये कोई अद्यतन अपराध, जोकि नीचे उल्लिखित अधिकारिता प्रभित्वात्मक द्वारा किये गये हैं, प्रासंगिक अधिकारिता के प्रावधारों के अधीन दंडनीय आराधों के अन्वेषण के लिए, सन्तुर्ण प्रधान प्रधान राज्य पर करती है।

अभियुक्त का नाम व पता

विधि की धारा

1. श्री एस. के. अरोड़ा, भरतीय दंड संहिता को 420, मार्फत 1/5 अमानल रोड, 467, 468, 471 के साथ पठित भिंगत, नई दिल्ली। धारा 120-वी और मूल अधारा।

2. श्री अब्दुल कलाम,  
मार्फत मै. मूनाक वाब सर्विस,  
नियर कन्या विप्रेटर, ओडिया गाजुबाका,  
विनाखापटनम,  
(आधी प्रदेश)।

[संख्या 228/54/93-ए. वी. डी. III]  
आर. एस. बिष्ट, अवधा अधिकारी

ORDER

New Delhi, the 24th September, 1993

S.O. 2084.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Andhra Pradesh accorded vide G.O. R. No. 1553 dated 14-6-1993, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of offences in RC. 10(S)/93-Delhi dated 28-4-93 registered by the Central Bureau of Investigation and attempts, abetments and conspiracy as relating to or in connection with the said offences and any other offences committed in the course of the same transaction and or arising out of the same or related facts punishable under the provisions of the relevant Act indicated below alleged to have been committed by the following persons:—

Name of Accused and Addresses

Sections of Laws.

- Shri S. K. Arora, c/o 7/5, Hospital Road, Bhogal, New Delhi.  
under Section 120B read with 420, 467, 468, 471 Indian Penal Code and Substantive offences thereof.
- Shri Abdul Kalam c/o M/s. MUNAF WATCH SERVICE, Near Kanya Theatre, Old Gauwakka, Visakhapatnam (A.P.).  
[No. 228/54/93-AVD-II]  
R. S. BHJSHT, Under Secy.

वित्त मंत्रालय  
(राजन्व विभाग)  
आधिकार  
नई दिल्ली, 8 सितम्बर, 1993  
राष्ट्रपति

का. सा. 2085.—भारतीय स्टाम्प अधिनियम, 1899 (1899 ला 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा सज्ज शक्तियों द्वा प्रयोग करने हुए, के द्वीय सरकार एतद्वारा उस भूलक की भाव करती है, जो दर्जा वित्त नियम द्वारा, नई दिल्ली डायर यारी किया जाता वाले नाम वाईस करोड़ लाख के मात्र के “12% पी एफ सी बी.टी.—2012 (चौथा (भूलक) के हृषि में वर्णित अद्यतन का प्रकृति व्यवाधारों वर उन अधिनियम के तहत प्रभाव नहीं।

[का. स. 26/93/स्टा.—का. 33/23/92-वि.क.]  
शास्त्रा राज, वित्त अधिकार

## MINISTRY OF FINANCE

## ORDER

New Delhi, the 8th September, 1993

## STAMPS

S.O. 2085.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures—described as “12 per cent PTC Bonds—2012 (Fourth Series)” of the value of rupees twenty two crores only to be issued by Power Finance Corporation Limited, New Delhi are chargeable under the said Act.

[No. 26/93-Stamp—F. No. 33/23/92-ST]  
ATMA RAM, Under Secy.

विवरण

नई दिल्ली, 20 सितम्बर, 1993

का. आ. 2086.—भारत सरकार के संयुक्त सचिव ने, जिन्हें विवेदी मुद्रा संशोधन और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधिन विशेष स्पष्ट में संशोधन किया गया है, उक्त उपधारा के अधीन आदेश का. ग. 673/140/92-सी. गु.-8, दिनांक 17-9-92 को यह नियम देते हुए जारी किया था कि श्री सेवस्थितन उर्फ ए. शर्मा मुपूर श्री वेदाम श्रमा, नियासी ए-84, अरोक विहार, फेज-2, दिल्ली-52 को नियम देते हुए जारी किया था कि श्री सेवस्थितन उर्फ ए. शर्मा केन्द्रीय कार्यालय, नियासी, नई दिल्ली में अधिक्षमा में रखा जाए ताकि उसे तस्करी का भाल छिपाने तथा रखने का काम करने के अवलोकन तस्करी का भाल लाने, तो जाने तथा इस धन्ये में निपुण रहने से रोका जा सके।

? केन्द्रीय सरकार के पास यह विषयागत करने का कारण है कि पूर्वोत्तर धरक्षि फरार हो गया है या अपने को उत्तर रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके।

3. अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (क) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, यह नियम देती है कि पूर्वोत्तर अक्षत इस आदेश के राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, दिल्ली के समक्ष हाजिर हो।

[का. स. 673/140/92-सी. गु.-8]

जे. पंक. साहनी, अद्यर सचिव

## ORDER

New Delhi, the 20th September, 1993

S.O. 2086.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/140/92-CUS-VIII dated 17-9-1992 under the said sub-section directing that Shri A. Sebastian alias A. Sserma son of Shri Vedam Ali, resident of A-84, Ashok Phase-II, Delhi-110052 be detained and kept in custody in the Central Jail Tihar, New Delhi with a view to preventing him from engaging in transporting smuggled goods and dealing in smuggled goods otherwise than by engaging in concealing or keeping smuggled goods;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by Clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appeal before the Commissioner of Police, Delhi within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/140/92-CUS-VIII]

J. L. SAWHNEY, Under Secy.

(आर्थिक कार्य विभाग)

नई दिल्ली, 15 सितम्बर, 1993

का. आ. 2087.—केन्द्रीय सरकार, राजभाषा (संघ के भासकीय प्रयोजनों के लिए प्रयोग), नियमावली, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में (दिन मंत्रालय आर्थिक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित) भारतीय सामाजिक वीमा नियम के निम्नलिखित कार्यालय को, जिनके 80 प्रतिशत से अधिक कर्मचारी नवनियोजित होने वाले कार्यालय जान प्राप्त करनिया है, अधिसूचित करता है:—

कांस्ती का नाम:

युनाइटेड इंडिया इंश्योरेंस कंपनी लिमिटेड

1. शास्त्रा कार्यालय, गोडाल (मध्य प्रदेश)।

[राज्या 13011/1/92-वि. का. क.]

विवरण गृहा, अवर मन्त्रिवाल

(Department of Economic Affairs)

New Delhi the 15th September, 1993

S.O. 2087.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules 1976 the Central Government hereby notifies the following office of the General Insurance Corporation of India (Under the Administrative Control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of staff have acquired working knowledge of Hindi. Name of the Company: United India Insurance Co. Ltd.

1. Branch Office, Shahdol, (Madhya Pradesh).

[No. 13011/1/92-HIC]

Y. P. GUPTA, Under Secy.

नई दिल्ली, 15 सितम्बर, 1993

का. आ. 2088.—केन्द्रीय सरकार, राजभाषा (संघ के भासकीय प्रयोजनों के लिए प्रयोग), नियमावली, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में (विन मंत्रालय शायक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित) भारतीय साधारण बीमा निगम के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

कंपनी का नाम :

ओरिएंटल इंश्योरेंस कंपनी लिमिटेड

1. शाखा कार्यालय, खरगोन
2. शाखा कार्यालय, मतना
3. शाखा कार्यालय, बिलासपुर
4. शाखा कार्यालय-2, रायपुर
5. शाखा कार्यालय, इंदौर
6. शाखा कार्यालय, भोपाल
7. क्षेत्रीय कार्यालय, पटना
8. क्षेत्रीय कार्यालय, चंडीगढ़
9. महालीय कार्यालय-2, रांची।

[संख्या 13011/1/92-हि. का. क.]

यशपाल गुप्ता, अवृत्त सचिव

New Delhi, the 15th September, 1993

S.O. 2088.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules 1976 the Central Government hereby notifies the following offices of the General Insurance Corporation of India (Under the Administrative Control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of staff have acquired working knowledge of Hindi.

Name of the Company : Oriental Insurance Co. Ltd.,

1. Branch Office, Khargaoon
2. Branch Office, Saina
3. Branch Office, Bilaspur
4. Branch Office-2, Raipur
5. Branch Office, Indore
6. Branch Office, Bhopal
7. Regional Office, Patna
8. Regional Office, Chandigarh
9. Divisional Office-2, Ranchi.

[No. 13011/1/92-HIC]

Y. P. GUPTA, Under Secy.

नई दिल्ली, 15 सितम्बर, 1993

का. आ. 2089.—केन्द्रीय सरकार, राजभाषा (संघ के भासकीय प्रयोजनों के लिए प्रयोग), नियमावली, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में (विन मंत्रालय शायक कार्य विभाग के प्रशासनिक नियंत्रण में स्थित) भारतीय साधारण बीमा निगम के निम्नलिखित

कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

कंपनी का नाम :

ओरिएंटल इंश्योरेंस कंपनी लिमिटेड

1. शाखा कार्यालय, मतना (इंदौर)
2. शाखा कार्यालय, इंदौर
3. शाखा कार्यालय-1, आगरा
4. शाखा कार्यालय, खीरीगढ़
5. शाखा कार्यालय, उत्तरकाशी
6. क्षेत्रीय कार्यालय, गाजियाबाद
7. शाखा कार्यालय, मिर्जापुर (लखनऊ)
8. शाखा कार्यालय-11, बंबई
9. शाखा कार्यालय-12, बंबई
10. महाल कार्यालय, रांची
11. शाखा कार्यालय-3, रांची
12. शाखा कार्यालय-4, रांची
13. शाखा कार्यालय, डेहरी आनसोन
14. मेडन कार्यालय, जानबाज़र
15. मेडन कार्यालय, पठानकोट
16. मेडन कार्यालय, जम्मू
17. रा. शाखा कार्यालय, जालंधर
18. शाखा कार्यालय, होशियारपुर
19. शाखा कार्यालय, कपूरथला
20. शाखा कार्यालय, फगदाड़ा
21. शाखा कार्यालय, जालंधर
22. शाखा कार्यालय, रामकूल
23. शाखा कार्यालय, पठानकोट
24. शाखा कार्यालय, तरनतारन
25. शाखा कार्यालय, अमृतसर
26. शाखा कार्यालय, पठानकोट
27. शाखा कार्यालय-3, लुधियाना
28. शाखा कार्यालय, जैनू
29. शाखा कार्यालय, जतुआ
30. शाखा कार्यालय, चम्बा
31. शाखा कार्यालय, बटाला
32. शाखा कार्यालय, जम्मू
33. शाखा कार्यालय, उधमपुर
34. शाखा कार्यालय-1, जम्मू
35. शाखा कार्यालय, राजीरी
36. शाखा कार्यालय, बटोट
37. क्षेत्रीय कार्यालय, जयपुर
38. शाखा कार्यालय-3, कोटा

39. शाखा कार्यालय, हलोल
40. मंडल कार्यालय-4, अहमदाबाद
41. शाखा कार्यालय, मध्यनगर
42. शाखा कार्यालय, सूरत
43. शाखा कार्यालय, कतरास

[सं. 13011/1/92-हि. का. क.]

यशपाल गुप्ता, अवर सचिव

New Delhi, the 15th September, 1993

S.O. 2089.—In pursuance of Sub-Rules (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the General Insurance Corporation of India (Under the Adminstrat v. Control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of staff have acquired working knowledge of Hindi.

Name of the Company : Oriental Insurance Co. Ltd.,

1. Branch Office, Satna (Indore)
2. Branch Office, Dadri
3. Branch Office-4, Agra
4. Branch Office, Aligarh
5. Branch Office, Uttar Kashi
6. Regional Office, Ghaziabad
7. Branch Office, Mirzapur (Lucknow)
8. Branch Office-II, Bombay
9. Divisional Office-2, Ranchi.
10. Divisional Office, Ranchi
11. Branch Office-3, Ranchi
12. Branch Office-4, Ranchi
13. Branch Office, Dehri Anson
14. Divisional Office, Jalandhar
15. Divisional Office, Pathankot
16. Divisional Office, Jammu
17. Branch Office, Jalandhar
18. Branch Office, Hoshiarpur
19. Branch Office, Kapurthala
20. Branch Office, Phagwara
21. Branch Office, Jalandhar
22. Branch Office, Ramphool
23. Branch Office, Pathankot
24. Branch Office, Tarantaran
25. Branch Office, Amritsar
26. Branch Office, Pathankot
27. Branch Office-3, Ludhiana
28. Branch Office, Jaitu
29. Branch Office, Jatua
30. Branch Office, Chamba
31. Branch Office, Batala
32. Branch Office, Jammu
33. Branch Office, Udhampur
34. Branch Office-1, Jammu
35. Branch Office, Rajouri
36. Branch Office, Bator
37. Regional Office, Jaipur
38. Branch Office-3, Kota
39. Branch Office, Halol.

40. Divisional Office-4, Ahmedabad

41. Branch Office, Mapinagar
42. Branch Office, Surat
43. Branch Office, Katras

[No. 13011/1/92-HIC]  
Y. P. GUPTA, Under Secy.

नई दिल्ली, 15 सितम्बर, 1993

का. आ. 2090.—केन्द्रीय सरकार, राजभाषा (संघ के प्रशासकीय प्रयोजनों के लिए प्रयोग), नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में (वित्त मंत्रालय आधिकारीय कार्यों विभाग के प्रशासनिक नियंत्रण में स्थित) भारतीय माध्यारण वीमा निगम के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारीयृत्व ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:

कंपनी का नाम

नेशनल इंश्योरेंस कंपनी लिमिटेड :

1. मंडल कार्यालय—3, चंडीगढ़
2. शाखा कार्यालय—2, रांची

[संख्या 13011/1/92-हि. का. क.]

यशपाल गुप्ता, अवर सचिव

New Delhi, the 15th September, 1993

S.O. 2090.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the General Insurance Corporation of India (Under the Administrative control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of staff have working knowledge of Hindi.

Name of the Company : National Insurance Co. Ltd.,

1. Divisional Office-3, Chandigarh
2. Branch Office-2, Ranchi.

[No. 13011/1/92-HIC]

Y. P. GUPTA, Under Secy.

( बैंकिंग प्रभाग )

माई. एफ. 1 अनुभाग

नई दिल्ली, 21 सितम्बर, 1993

का. आ. 2091.—केन्द्रीय सरकार, दि इण्डस्ट्रियल फाइनेन्स कारपोरेशन ऑफ इण्डिया लिमिटेड वे: नियंत्रण बोर्ड की सिफारिशों पर उक्त कारपोरेशन द्वारा 22, 23 एवं 24 सितम्बर, 1993 को जारी किए जाने वाले तथा 22, 23 एवं 24 सितम्बर, 2003 को परिवर्त्तन होने वाले शांडों पर देय ब्याज की दर एतद्वारा 13.5% (साले तेरह प्रतिशत) वार्षिक निर्धारित करती है।

[फा. सं. 2 (15)/92-माई. एफ. 1]

बी. पी. भारद्वाज, अवर सचिव

(Banking Division)

## I.F.I. SECTION

New Delhi, the 21st September, 1993

S.O. 2091.—The Central Government on the recommendations of the Board of Directors of the Industrial Finance Corporation of India Ltd., hereby fixes 13.5 per cent (thirteen and a half per cent) per annum as the rate of interests payable on the bonds to be issued by the said Corporation on 22nd, 23rd and 24th September, 1993 and maturing on the 22nd, 23rd and 24th September, 2003.

[F. No. 2(15)/92-IF.I]

V. P. BHARADWAJ, Under Secy.

नई दिल्ली, 23 सितम्बर, 1993

का. आ. 2092.—भारतीय अद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खण्ड (ग) के उपखण्ड (1) के अनुसरण में, केन्द्रीय सरकार एतद्वारा सचिव, उद्योग मंत्रालय, अद्योगिक विकास विभाग, नई दिल्ली को भारतीय अद्योगिक विकास बैंक का निदेशक नामित करती है।

[सं. एफ. 7/7/92-बी. ओ. ओ.]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 23rd September, 1993

S.O. 2092.—In pursuance of sub-clause (i) of clause (c) of sub-section (1) of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Secretary, Ministry of Industry, Department of Industrial Development, New Delhi as the Director of the Industrial Development Bank of India.

[No. F. 7/7/92-B.O. I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 23 सितम्बर, 1993

का. आ. 2093.—भारतीय नियति-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खण्ड (ड) के उपखण्ड (ii) के अनुसरण में, केन्द्रीय सरकार एतद्वारा श्री डी. बसु, अध्यक्ष, भारतीय स्टेट बैंक, बम्बई को भारतीय नियति-आयात बैंक के निदेशक मण्डल में निदेशक के रूप में नामित करती है।

[सं. एफ. 7/4/92-बी. ओ.-1 (1)]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 23rd September, 1993

S.O. 2093.—In pursuance of sub-clause (ii) of clause (c) of sub-section (1) of section 6 of the Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri D. Basu, Chairman, State Bank of India,

Bombay as a Director of the Board of Directors of the Export-Import Bank of India.

[F. No. 7/4/92-B.O. I(i)]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 23 सितम्बर, 1993

का. आ. 2094.—भारतीय नियति-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खण्ड (ड) के उपखण्ड (ii) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री टी. के. के. भागवत, अध्यक्ष एवं प्रबंध निदेशक, इंडियन ओवरसीज बैंक, मद्रास को भारतीय नियति-आयात बैंक के निदेशक मण्डल में श्री पी. एम. गोपालकृष्णन के स्थान पर निदेशक के रूप में नामित करती है।

[सं. एफ. 7/4/92-बी. ओ.-1(ii)]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 23rd September, 1993

S.O. 2094.—In pursuance of sub-clause (iii) of clause (e) of sub-section (1) of section 6 of the Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri T. K. K. Bhagavat, Chairman and Managing Director, Indian Overseas Bank, Madras as a Director of the Board of Directors of the Export-Import Bank of India vice Shri P. S. Gopalakrishnan.

[F. No. 7/4/92-B.O. I(ii)]

M. S. SEETHARAMAN, Under Secy.

पुरुष आयकर आयुक्त-III का कार्यालय

कलकत्ता, 3 अगस्त, 1994

सं. 3/93-94

का. आ. 2095.—आयकर आयुक्त प.ब.-6, कलकत्ता के बोताधिकार के अन्दर आयकर उपायुक्त रेज-5 कलकत्ता, के रेज में आयकर अधिकारियों के निम्नलिखित प्रभारों को एतद्वारा दिनांक 9 अगस्त, 1993 में समाप्त कर दिया जाता है।

क्रम	प्रभार का नाम	आ. उपा. के.	आ. आ. प.
सं.		अन्तर्गत	प. ब. का
			बोताधिकार

1. आयकर अधिकारी	रेज-5 कलकत्ता	प. ब. -6,
वार्ड-5 (2), कलकत्ता		कलकत्ता

2. आ. आ. वार्ड-5	रेज-5, कलकत्ता	प. ब. -6,
(21) कलकत्ता		कलकत्ता

2. इसके अतिरिक्त निम्नलिखित नवे प्रभार जिन्हें इस रूप में जाना जाएगा :

(1) आयकर आयुक्त प.ब.-II, कलकत्ता के बोताधिकार के अन्दर आयकर उपायुक्त आसनेसोल रेज के प्रभार में आयकर अधिकारी वार्ड-2, पुरुलिया।

(2) आयकर आयुक्त, प. बं.-II, कलकत्ता के क्षेत्राधिकार के अन्दर आयकर उपायुक्त, रेज-19, कलकत्ता के प्रभार में आ. अ., वार्ड-2, हल्दिया।

दिनांक 9 अगस्त, 1993 से सुनित किए जाते हैं। उनके मुख्यालय क्रमांक पुरुलिया तथा हल्दिया में होगे।

3. आयकर आयुक्त प. बं.-II, कलकत्ता के क्षेत्राधिकार के अन्दर आयकर उपायुक्त आसनमोल रेज के अन्तर्गत आयकर अधिकारी पुरुलिया के वर्तमान प्रभार का पुनः नाम दिनांक 9-8-93 से "आयकर अधिकारी, वार्ड-1, पुरुलिया" रखा जाता है।

4. आयकर आयुक्त, प. बं.-II, कलकत्ता के क्षेत्राधिकार के अन्दर आयकर उपायुक्त रेज-19, के अन्तर्गत "आयकर अधिकारी हल्दिया" का पुनः नाम दिनांक 9-8-93 से "आयकर अधिकारी, वार्ड-1, हल्दिया" रखा जाता है।

[संख्या स. आ. आ. /मु. योजना 10/93-94]

एच. एन. कुण्डु, मु. आ. आ.

#### OFFICE OF THE CHIEF COMMISSIONER OF

#### INCOME TAX-III

Calcutta, the 3rd August, 1993

No. 3/93-94

S.O. 209.—The following charges of the Income-tax Officers in the Range of Deputy Commissioner of Income-tax, Range-5, Calcutta, within the jurisdiction of the Commissioner of Income-tax, West Bengal-VI, Calcutta, are hereby abolished with effect from 7th August, 1993;

Sl. No.	Name of the Charges	Under Deputy Commissioner of Income-tax	Jurisdiction of Commissioner of Income-tax, West Bengal
1	2	3	4
1.	Income-tax Officer, Ward-5(20), Calcutta.	Range-5, Calcutta.	West Bengal-VI Calcutta.
2.	Income-tax Officer, Ward-5(21), Calcutta.	Range-5, Calcutta.	West Bengal-VI Calcutta.

2. Further, the following new charges to be known as:

- (i) Income-tax Officer, Ward-2, Purulia, in the charge of Deputy Commissioner of Income-tax, Asansol Range within the jurisdiction of Commissioner of Income-tax, West Bengal-XI, Calcutta.
- (ii) Income-tax Officer, Ward-2, Haldia, in the charge of Deputy Commissioner of Income-tax, Range-19, Calcutta, within the jurisdiction of Commissioner of Income-tax, West Bengal-XI, Calcutta.

are created with effect from 9th August, 1993, with their Headquarters at Purulia and Haldia respectively.

3. The existing charge of "Income-tax Officer, Purulia" under Deputy Commissioner of Income-tax, Asansol Range, within the jurisdiction of the Commissioner of Income-tax, West Bengal-XI, Calcutta be renamed as "Income-tax Officer, Ward-I, Purulia" with effect from 9-8-1993.

4. The existing charge of "Income-tax Officer, Haldia" under Deputy Commissioner of Income-tax, Range-19, Calcutta, within the jurisdiction of the Commissioner of Income-tax, West Bengal-XI, Calcutta, be renamed as "Income-tax Officer, Ward-1, Haldia" with effect from 9-8-1993.

[No. AC/HQ/Planning/10/93-94]  
H.N. KUNDU, Chief Commissioner of Income-tax

कलकत्ता, 3 अगस्त, 1993

सं. 4/93-94

का. आ. 2096.—आयकर आयुक्त, प. बं. 6, कलकत्ता के क्षेत्राधिकार के अन्दर आयकर उपायुक्त रेज-18, कलकत्ता के अन्तर्गत, महा. आ. मर्क्य-18(5), कलकत्ता के प्रभार को एतद्वारा दिनांक 9 अगस्त, 1993 से समाप्त कर दिया जाता है।

2. इनके अनियन्त्रित आयकर आयुक्त, प. बं. 11, कलकत्ता के क्षेत्राधिकार के अन्दर आयकर उपायुक्त आसनगोल रेज के अन्तर्गत भड़ायक आयकर आयुक्त सर्कल बर्दिवान के नाम में एक नया प्रभार दिनांक 9-8-93 से एतद्वारा सुनित किया जाता है। इसका मुख्यालय बर्दिवान में होगा।

[संख्या स. आ. आ. /मु. योजना/10 /93-94]  
एच. एन. कुण्डु, मु. आ. आ.

Calcutta, the 3rd August, 1993

No. 4/93-94

S.O. 2096.—The charge of the Assistant Commissioner of Income-tax, Circle-18(5), Calcutta, under the Range of the Deputy Commissioner of Income-tax, Range-18, Calcutta, within the jurisdiction of the Commissioner of Income-tax West Bengal-VI, Calcutta, is hereby abolished with effect from the 9th August, 1993.

2. Further, a new charge to be known as "Assistant Commissioner of Income Tax, Circle Burdwan; under the charge of the Deputy Commissioner of Income Tax, Asansol Range, within the jurisdiction of the Commissioner of Income-tax, West Bengal-XI, Calcutta, is hereby created with effect from the 9th August, 1993, with its Headquarters at Burdwan.

[No. AC/HQ/PLANNING/10/93-94]  
H. N. KUNDU, Chief Commissioner

कलकत्ता, 12 अगस्त, 1993

संख्या 6/93-94

का. आ. 2097.—आयकर आयुक्त, पश्चिम बंगाल-6, कलकत्ता के क्षेत्राधिकार के अन्तर्गत आयकर उपायुक्त, रेज-5, कलकत्ता के रेज में निम्नलिखित आयकर अधिकारी के प्रभार को एतद्वारा दिनांक 12 अगस्त, 1993 से समाप्त कर दिया जाता है।

कम संख्या प्रभार का नाम आयकर आयकर आयुक्त, उपायुक्त पश्चिम बंगाल के अधीन के क्षेत्राधिकार

1. आयकर अधिकारी, रेज-5, कलकत्ता पश्चिम बंगाल-6, वार्ड-5 (19)कल. कलकत्ता

2. आगे, निम्नलिखित नाम से परिचित नया प्रभार:

आयकर आयुक्त, पश्चिम बंगाल-II, कलकत्ता के लेन्ट्राधिकार के अन्तर्गत आयकर उपायुक्त, आसनसोल रेंज के प्रभार में आयकर अधिकारी वार्ड-2, सिउडो।

दिनांक 12 अगस्त, 1993 से संजित कर दिया गया है जिसका मुख्यालय सिउडो है।

3. आयकर आयुक्त, पश्चिम बंगाल-II, कलकत्ता के लेन्ट्राधिकार के अन्तर्गत आयकर उपायुक्त, आसनसोल रेंज के अधीन वर्तमान प्रभार “आयकर अधिकारी, सिउडो” का पुनः नाम दिनांक 12-8-1993 से “आयकर अधिकारी, वार्ड-1, सिउडो” दिया गया है।

[मंदगा लेखा/मुख्या/पोनना/10/93-94]

प.व. एन. कुण्डु, मुख्य आयकर आयुक्त

Calcutta, the 12th August, 1993

No. 6/93-94

S.O. 2697 :—The following charge of the Income-tax Officer in the Range of Deputy Commissioner of Income-tax, Range-5, Calcutta, within the jurisdiction of the Com-

missioner of Income-tax, West Bengal-VI, Calcutta, is hereby abolished with effect from 12th August, 1993.

Sl. No.	Name of the charge	Under Deputy Commissioner of Income-tax	Jurisdiction of Commissioner of Income-tax, West Bengal
1	2	3	4
1.	Income-tax Officer, Ward-5(19), Calcutta.	Range-5, Calcutta.	West Bengal Calcutta

2. Further, the following new charge to be known as Income-tax Officer, Ward-2, Suri, in the charge of Deputy Commissioner of Income-tax, Asansol Range, within the jurisdiction of Commissioner of Income-tax, West Bengal-XI, Calcutta.

is created with effect from 12th August, 1993, with its Head-quarters at Suri.

3. The existing charge of “Income-tax Officer, Suri”, under Deputy Commissioner of Income-tax, Asansol Range, within the jurisdiction of the Commissioner of Income-tax, West Bengal-XI, Calcutta, be renamed as “Income-tax Officer, Ward-1, Suri” with effect from 12-8-1993.

[No. AC/HQ/Planning/10]

H. N. KUNDU, Chief Commissioner of Income-tax

नागरिक पूर्ति, उत्तमोत्तम मानने और सार्वजनिक वितरण मंत्रालय

(भारतीय मानक व्यूरो)

नई दिल्ली, 13 सितम्बर, 1993

का. आ 2093.—भारत के राजपत्र भाग 2, वर्ष (III) उत्पाद (ii) में दिनांक 23-5-1964 को तरलीन नागरिक दृग्मि मतालय (भारतीय मानक व्यूरो) द्वारा प्रकाशित अधिसूचना का. आ. 1745 दिनांक 8-5-1964 को आणिक दृग्मि परिवर्तित करा। एवं भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिए गए आई एस : 2553 (भाग 1) 1990 की मानक-पत्रक के डिजाइन में परिवर्तन किया गया।

क्रम सं.	मतालय मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	लागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.		सामान्य प्रयोजनों हेतु निरापद कार्य	आई एस : 2553 (भाग 1) 1990	1-9-1992

[संस्था के प्रति/13 : 9]

एन. श्रीनिवासन, अपर महा निदेशक

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION  
(BUREAU OF INDIAN STANDARDS)

New Delhi, the 13th September, 1993

S.O. 2098.—In supersession of the then Ministry of Industry (Bureau of Indian Standards) notification number S.O. 1745 dated 1964-05-08 published in the Gazette of India, Part-II, Section-3, Sub-Section (ii) dated 1964-05-23, the Bureau of Indian Standards, hereby, notifies that the design of the Standard Mark for IS : 2553 (Part-I) 1990 has been revised as given in the Schedule.

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of product	No. & Year of the Relevant Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1.		Safety glass for general purposes	IS : 2553 (Part-I)-1990	1992-09-01

[No. CMD/13 : 9]

N. SRINIVASAN, Addl. Director General

नई दिल्ली, 13 सितम्बर, 1993

का. आ. 2099—भारत के राजपत्र भाग 2, खण्ड (iii) उपखंड (ii) में दिनांक 1983-07-30 को तत्कालीन नागरिक प्रूफ मंत्रालय (भारतीय मानक व्यूरो) द्वारा प्रकाशित अधिसूचना का. आ. 3017 दिनांक 1983-06-30 को आंशिक रूप परिवर्तित करते हुए भारतीय मानक व्यूरो द्वारा अधिसूचित करता है कि अनुसूची में दिए गए आई.एस. : 814—1991 की मानक-मुहर के डिजाइन में परिवर्तन किया गया :

अनुसूची

क्रम सं.	मानक मुहर का डिजाइन	उत्पाद/उत्पाद की श्रेणी	भारतीय मानक की सं. और वर्ष	सागू होने की तिथि
(1)	(2)	(3)	(4)	(5)
1.		संरचना इस्पात की धातु मार्क वेल्डिंग हेतु—आवर्तित इलेक्ट्रोड	आई.एस. : 814—1991	1992-11-01

[संज्ञा के प्रति/13 : 9]

एन. श्रीनिवासन, अपर महानिदेशक

New Delhi, the 13 September, 1993

S.O. 2099.—In partial modification of the then Ministry of Civil Supplies (Bureau of Indian Standards) notification number S.O. 3017 dated 1983-06-30 published in the Gazette of India, Part-II, Section-3, Sub-Section (ii) dated 1983-07-30, the Bureau of Indian Standards, hereby, notifies that the design of the Standard Mark for IS : 814-1991 has been revised as given in the Schedule.

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of product	No. & Year of the Relevant Indian Standard	Date of Effect
(1)	(2)	(3)	(4)	(5)
1.		Covered electrodes for metal arc welding of structural steel	IS : 814-1991	1992-11-01

[No. CMD/13 : 9]

N. SRI NIVASAN, Addl. Director General

## वस्त्र मंत्रालय

नई दिल्ली, 13 सितम्बर, 1993

का. आ. 2100—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1975 के नियम 10 के उपनियम 4 के अनुसरण में वस्त्र मंत्रालय के अन्तर्गत आने वाले निम्नलिखित कार्यालय को, जिनमें 80% कर्मचारी बृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

तकनीकी सेवा केन्द्र,  
राष्ट्रीय रेशम परियोजना,  
केन्द्रीय रेशम बोर्ड,  
सहसुपुर-248197  
देहरादून (उत्तर प्रदेश)

[सं. ई. 11011/2/93 हिन्दी]

कीर्ति कुमार, उप सचिव

## MINISTRY OF TEXTILES

New Delhi, the 13th September, 1993

S.O. 2100.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union), Rules, 1976 the Central Government hereby notifies the following office under the Ministry of Textiles whereof more than 80 per cent staff have acquired working knowledge of Hindi:—

Technical Service Centre,  
National Sericulture Project,  
Central Silk Board,  
Sahaspur-248197,  
Dehriodun (U.P.)

[No. E 11011/2/93-Hindi]

KIRTHY KUMAR, Dy. Secy.

## कोयला मंत्रालय

## आदेश

नई दिल्ली, 9 सितम्बर, 1993

का. आ. 2101—कोयला धारक क्षेत्र (ग्रजन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसके पश्चात उक्त अधिनियम कहा गया है) भारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के उर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 2410, तारीख 25 अगस्त, 1992 के, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 19 सितम्बर, 1992 में प्रकाशित होने पर, उक्त अधिसूचना से संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि में या उस पर के सभी अधिकार (जिसे इसमें इसके पश्चात उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन सभी विलगमों से मुक्त होकर आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और, केन्द्रीय सरकार का यह समाधान हो गया है कि वैस्टर्न कोलफ़ील्ड्स लिमिटेड, नागपुर (जिसे इसमें इसके पश्चात सरकारी कंपनी कहा गया है), ऐसे निर्बंधनों और

शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करता उचित समझे अनुपालन करने के लिए राजमंद है;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शर्तों का प्रयोग करते हुए, यह निवेश देती है कि इस प्रकार निहित उक्त भूमि में या उस पर के सभी अधिकार, तारीख 19 सितम्बर, 1992 से केन्द्रीय सरकार में इस प्रकार निहित वो रहने की वजाय निम्नलिखित नियंत्रणों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएगी, अर्थात्:—

- (1) सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, व्याज, नुकसानी और वैसी ही मदों की बाबत किए गए सभी संकायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी।
- (2) सरकारी कंपनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेश रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का पठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के सिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील, आदि की बाबत उपगत सभी व्यय भी, सरकारी कंपनी वहन करेगी।
- (3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उन पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विहद्व किन्तु कार्यवाहियों के संबंध में आवश्यक हो, सतिपूर्ति करेगी।
- (4) सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी, और
- (5) सरकारी कंपनी, ऐसे निवेशों और शर्तों का जो केन्द्रीय सरकार द्वारा जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[फा. सं. 43015/13/91—एल. एस. डब्ल्यू.]

बी. बी. राव, अवर सचिव

## MINISTRY OF COAL

## ORDER

New Delhi, the 9th September, 1993

S.O. 2101.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 2419 dated the 25th August, 1992 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 19th September, 1992, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development)

Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and all rights in or over such land described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and all rights in or over such land so vested shall, with effect from the 19th September, 1992, instead of continuing to so vest in the Central Government, vest in the Government company, subject to the following terms and conditions, namely:—

1. the Government company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.
2. a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals etc. for or in connection with the rights, in or over the said land so vesting shall also be borne by the Government company;
3. the Government company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights, in or over the said lands, so vesting;
4. the Government company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and
5. the Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[No. 43015/13/91-LSW1  
B. B. RAO, Under Secy.

### आदेश

नई दिल्ली, 9 सितम्बर, 1993

का. आ. 2102—कोयला धारक भेद (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 9 की उपधारा (1) के अधीन लिकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का. आ. 2993, तारीख 9 नवम्बर 1992 के भारत के राजपत्र भाग 2, खण्ड 3, उप-खण्ड (ii), तारीख 5 दिसम्बर, 1992 में प्रकाशित होने पर उक्त अधिसूचना में संलग्न अनुसूची में वर्णित भूमि में या उस पर यतिजों के खनन, खदान, बोर करने, निष्कासन के लिए उक्त खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार (जिन इसमें इसके पश्चात्

उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन सभी विलासों से मुक्त होकर आरंभिक रूप से केन्द्रीय सरकार में निहित हो गए थे।

और केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कॉल फोल्ड्स ट्रिप्टिड, नागपुर (जिसे इसने इसके पश्चात् सरकारी कम्पनी कहा गया है), ऐसे निवेशों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करता उचित भास्ते अनुपालन करने के लिए रजामंद है।

अतः प्रबृ. केन्द्रीय सरकार उक्त अधिनियम का धारा 11 की उपधारा (1) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए यह निवेश देती है कि इस प्रकार निहित उक्त भूमि में या उस पर के अधिकार, तारीख 5 निवार 1992 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने का जाए, निम्नलिखित निर्बंधों और शर्तों के अधीन रहो दुए, उक्त सरकारी कंपनी में निहित हो जाएं, अर्थात्:—

(1) सरकारी कंपनी, उक्त अधिनियम के उल्लंघनों के अधीन अवधारित प्रतिकर, याज नुकसानों और वैसी हो भद्रों की बावजु फिए तां उसी संशयों की केन्द्रीय सरकार को प्रतिपूत करती।

(2) सरकारी कंपनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को संदेश रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे निवेश अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी अप उक्त सरकारी कंपनी वहन करेगी और इसी प्राप्त, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे ग्रपल आदि की बावजु उपगत सभी अप भी, सरकारी कंपनी वहन करेगी।

(3) सरकारी कंपनी, केन्द्रीय सरकार या उसके पदाधिकारियों की, ऐसे किसी अन्य अप भी उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदाधिकारियों द्वारा या उनके विलम्ब किन्हों कार्यवाहियों के संबंध में आवश्यक हो, अतिपूति करेगी।

(4) सरकारी कंपनी को केन्द्रीय सरकार के पूर्व अनुभोदन के बिना, उक्त भूमि और इस प्रकार निहित उक्त भूमि में या उस प्रकार के अधिकार किसी अन्य अपित को अंतरित करने को गका नहीं होगी, और,

(5) सरकारी कंपनी, ऐसे निवेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा जब कमी आवश्यक

हो, उस भूमि के विशिष्ट क्षेत्रों के लिए दिए जाए या अधिरोपित को जाए, पालन करेंगी।

[सं. 43015/12/91-एन. एस. इल्यू]

बो. बी. राव, अवर सचिव

### ORDER

New Delhi, the 9th September, 1993

S.O. 2102.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 2993, dated the 9th November, 1992 in the Gazette of India, Part-II, Section 3, Sub-Section (ii) dated the 5th December, 1992 issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights in or over the lands as described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over the said lands so vested shall, with effect from the 5th December, 1992 instead of continuing to so vest in the

Central Government, vest in the Government Company, subject to the following terms and conditions, namely:—

1. the Government company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
2. a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals etc. for or in connection with the rights, in or over the said land so vesting shall also be borne by the Government company;
3. the Government company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights, in or over the said lands, so vesting;
4. the Government company shall have no power to transfer the lands and rights in or over the said lands so vested to any other person without the previous approval of the Central Government; and
5. the Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[No. 43015/12/91-LSW]

B. B. RAO, Under Secy.

नई दिल्ली, 9 सितम्बर, 1993

का. आ. 2103—फ्रेनीय सरकार सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीवे सारणी के संबंध (2) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी की पंक्ति के समतुल्य अधिकारी हैं, उन अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है और उन अधिकारी अपनी-प्रत्यनी अधिकारिता की स्थानीय सीमाओं के भीतर उन सारणी के संबंध (3) की तस्थानी प्रविधिट में विनिर्दिष्ट सरकारी स्थानों की बाबत उक्त अधिनियम द्वारा या उनके अंतर्गत सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेंगे:—

सारणी

अम सं. अधिकारी का पदनाम

सरकारी स्थानों का प्रवर्ग और अधिकारिता की स्थानीय सीमाएं

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(क) घाटी और ओरियन्ट क्षेत्र :

1. उप-क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, महानदी कोलफील्ड्स सिमिटेड, रामपुर समूह/उप-क्षेत्र रेतवे स्टेशन ब्रजराजनगर, डाकघर रामपुर कोयला खान, द्वारा ब्रजराजनगर, जिला—सम्बलपुर (उडीसा)
2. उप क्षेत्र प्रबंधक/अभिकर्ता/परियोजना अधिकारी, महानदी कोलफील्ड्स लि. ओरियन्ट समूह 1/उप-क्षेत्र रेतवे स्टेशन ब्रजराजनगर, डाकघर-ओरियन्ट कोयला खान द्वारा ब्रजराजनगर, जिला—सम्बलपुर (उडीसा)

हिंगीर-रामपुर कोयला खान हीरालैड मुर्छी कोयला खान के सभी परिसर महानदी कोलफील्ड्स लि., सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर तथा अन्य परिसर।

ओरियन्ट खान नं. 1, खान नं. 2 के सभी परिसर महानदी कोलफील्ड्स लि., सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

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3. उप क्षेत्र प्रबन्धक अभिकर्ता परियोजना प्रधिकारी, महानदी कोलफील्ड्स नि. औरिग्नट समूह II उपक्षेत्र रेलवे स्टेशन, ब्रजराजनगर, डाकघर औरिग्नट, जिला - सम्बलपुर (उडीसा)
4. उप क्षेत्र प्रबन्धक/अभिकर्ता/परियोजना प्रधिकारी, महानदी कोलफील्ड्स निमिटेड, वसुन्धरा पूर्व ओ. का. परियोजना, रेलवे स्टेशन हिमपिंग, डाकघर - गोपालपुर, जिला - सुन्दरगढ़ (उडीसा)
5. उप क्षेत्र प्रबन्धक/अभिकर्ता/परियोजना प्रधिकारी, महानदी कोलफील्ड्स निमिटेड लाजकुरा समूह उपक्षेत्र रेलवे स्टेशन ब्रजराजनगर, डाकघर - ब्रजराजनगर, जिला - सम्बलपुर (उडीसा)
6. उप क्षेत्र प्रबन्धक/अभिकर्ता/परियोजना प्रधिकारी, महानदी कोलफील्ड्स लिमिटेड समक्षेत्र विवृति कोयला खान के सभी परिसर महानदी कोलफील्ड्स निमिटेड सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।
7. उप क्षेत्र प्रबन्धक/अभिकर्ता/परियोजना प्रधिकारी, महानदी कोलफील्ड्स लिमिटेड लितारी विवृति परियोजना समूह रेलवे स्टेशन, बेलपहाड़, डाकघर - बेलपहाड़, जिला - सम्बलपुर, (उडीसा)
8. उप क्षेत्र प्रबन्धक/अभिकर्ता/परियोजना प्रधिकारी, महानदी कोलफील्ड्स नि., बेलपहाड़ विवृति परियोजना समूह, रेलवे स्टेशन बेलपहाड़, डाकघर बेलपहाड़ जिला - सम्बलपुर (उडीसा)
9. उप क्षेत्र प्रबन्धक/अभिकर्ता/परियोजना प्रधिकारी, महानदी कोलफील्ड्स लिमिटेड, लखनपुर विवृति परियोजना समूह रेलवे स्टेशन, बेलपहाड़, डाकघर - लखनपुर, जिला - सम्बलपुर, (उडीसा)

#### (स) तालचर क्षेत्र

1. उप क्षेत्र प्रबन्धक/अभिकर्ता/परियोजना प्रधिकारी महानदी कोलफील्ड्स लिमिटेड, तालचर विवृति परियोजना समूह रेलवे स्टेशन तालचर, डाकघर - डेरा कोयला खान, जिला - धैनकनाल (उडीसा)
2. उप क्षेत्र प्रबन्धक/अधिकर्ता/परियोजना प्रधिकारी महानदी कोलफील्ड्स निमिटेड, दलबेरा कोयला खान समूह रेलवे स्टेशन तालचर, डाकघर दलबेरा, जिला धैनकनाल (उडीसा)
3. उप क्षेत्र प्रबन्धक/अभिकर्ता/परियोजना प्रधिकारी महानदी कोलफील्ड्स लिमिटेड, लिगराज विवृति परियोजना/समूह रेलवे स्टेशन तालचर, डाकघर - तालचर, जिला - धैनकनाल (उडीसा)

ओरिग्नट खान नं. 3, द्वारा नं. 4, महानदी कोलफील्ड्स निमिटेड, सम्बलपुर के या उसके अधीन नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और आवासीय परिसर।

पूर्व और पश्चिम वसुन्धरा विवृति परियोजना के सभी परिसर, महानदी कोलफील्ड्स निमिटेड, सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

लाजकुरा विवृति कोयला खान के सभी परिसर महानदी कोलफील्ड्स निमिटेड सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

सम्लेख्यी विवृति कोयला खान के सभी परिसर महानदी कोलफील्ड्स लिमिटेड सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

लिलारी विवृति कोयला खान के सभी परिसर महानदी कोलफील्ड्स लिमिटेड सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

बेलपहाड़ विवृति कोयला खान के सभी परिसर महानदी कोलफील्ड्स लिमिटेड सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

नखनपुर विवृति कोयला खान के सभी परिसर महानदी कोलफील्ड्स लिमिटेड सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

तालचर विवृति कोयला खान के सभी परिसर महानदी कोलफील्ड्स लिमिटेड सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

देउलबेरा कोयला खान हांडील्या कोयला खान के लभी परिसर महानदी कोलफील्ड्स लिमिटेड, सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

देउलबेरा विवृति परियोजनाओं के सभी परिसर महानदी कोलफील्ड्स लिमिटेड, सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

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4. उपर्युक्त/प्रबंधक/प्रमिकर्ता परियोजना अधिकारी, महानदी कोलफील्ड्स लिमिटेड, नानिश्च कोयला खान समूह, रेलवे स्टेशन तालचर, डाकघर - बालन्दा, जिला - धेनकनाल (उडीसा)

(ग) जगन्नाथ और कलिंग लेव

- उपर्युक्त प्रबंधक/प्रमिकर्ता/परियोजना अधिकारी महानदी कोलफील्ड्स लिमिटेड, भरतपुर कोलफील्ड्स लिमिटेड भरतपुर विवृत परियोजना समूह रेलवे स्टेशन तालचर, डाकघर बालन्दा (उडीसा)
- उपर्युक्त प्रबंधक/प्रमिकर्ता/परियोजना अधिकारी, महानदी कोलफील्ड्स लिमिटेड, कलिंग विवृत परियोजना भमूह रेलवे स्टेशन तालचर, डाकघर - डेरा, जिला - धेनकनाल (उडीसा)
- उपर्युक्त प्रबंधक/प्रमिकर्ता/परियोजना अधिकारी महानदी कोलफील्ड्स लिमिटेड जगन्नाथ विवृत परियोजना/समूह रेलवे स्टेशन तालचर, डाकघर - बालन्दा, जिला - धेनकनाल (उडीसा)
- उपर्युक्त प्रबंधक/प्रमिकर्ता/परियोजना अधिकारी महानदी कोलफील्ड्स लिमिटेड अनानता विवृत परियोजना/समूह रेलवे स्टेशन तालचर, डाकघर - डेरा कोयला खान, जिला - धेनकनाल (उडीसा)
- उपर्युक्त प्रबंधक/प्रमिकर्ता/परियोजना अधिकारी, महानदी कोलफील्ड्स लिमिटेड, विंगो बालन्दा विवृत परियोजना/समूह रेलवे स्टेशन तालचर, डाकघर बालन्दा, जिला - धेनकनाल (उडीसा)
- सामान्य अधीक्षक (खनन) महानदी कोलफील्ड्स लिमिटेड, हैवी प्रथ मविंग मशीनरी वकराम, जगन्नाथ शेत्र, तालचर, रेलवे स्टेशन तालचर, डाकघर बालन्दा, जिला - धेनकनाल (उडीसा)

(ब) एम. सी. एल. मूल्यालय :

- संपदा प्रबंधक/संपदा उपप्रबंधक/महानदी कोलफील्ड्स लिमिटेड, रेलवे-स्टेशन सम्बलपुर डाकघर, जिला - सम्बलपुर (उडीसा)

नानिश्च कोयला खान के सभी परिसर महानदी कोलफील्ड्स लिमिटेड, सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

भरतपुर विवृत परियोजना के सभी परिसर महानदी कोलफील्ड्स लिमिटेड, सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

कलिंग विवृत परियोजना के सभी परिसर महानदी कोलफील्ड्स लिमिटेड, सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

जगन्नाथ विवृत परियोजना के सभी परिसर महानदी कोलफील्ड्स लिमिटेड, सम्बलपुर के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

अनानता विवृत परियोजना के सभी परिसर महानदी कोलफील्ड्स लिमिटेड के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

दक्षिणी बालन्दा विवृत परियोजना के सभी परिसर महानदी कोलफील्ड्स लिमिटेड के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

कोन्द्रीय वर्क शाप (खनन) के सभी परिसर महानदी कोलफील्ड्स लिमिटेड के या उसके नियंत्रण के अधीन आवासीय/गैर आवासीय भवनों के सभी परिसर और अन्य परिसर।

महानदी कोलफील्ड्स लिमिटेड, सम्बलपुर के आवासीय/गैर आवासीय भवन और कार्बनी के नियंत्रण के अधीन बरता।

[का. सं. 43022/1/93 - एल. एस. डब्ल्यू.]

बी. बी. राव, अवर सचिव

New Delhi, the 9th September, 1993

S.O. 2103—In exercise of the powers conferred by section 3, of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers mentioned in column (2) of the Table below, being the officers equivalent to the rank of a gazetted officers of the Government, to be estate officers for the purposes of the said Act, and who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act, within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entry in column (3) of the said Table:—

## TABLE

Serial No.	Designation of the Officer	Categories of public premises and local limit of jurisdiction.
(1)	(2)	(3)
<b>(A) VALLEY AND ORIENT AREAS:</b>		
1.	Sub-Area Manager/Agents/Project Officers, Mahanadi Coalfields Ltd., Rampur Group/sub-Area Railway Station Brajrajnagar, Post Office Rampur Colliery, Via-Brajrajnagar District Sambalpur (Orissa).	All premises of Hingir-Rampur Coal Mine Hirakhand-Bundi a Coal Mine, all premises of residential/non residential buildings and other premises belonging to, or under the control of Mahanadi Coalfields Limited Sambalpur.
2.	Sub-Area Manager/Agents/Project Officer, Mahanadi Coalfields Limited, Orient Group-I/Sub-Area Railway Station Brajrajnagar, Post Office Orient Colliery-Via-Brajrajnagar, District Sambalpur (Orissa).	All Premises of Orient Mine number 1, Mine number 2, all premises of residential/non residential buildings and other premises belonging to or under the control of Mahanadi Coal Fields Limited, Sambalpur.
3.	Sub-Area Manager/Agents/Project officer, Mahanadi Coalfields Limited, Orient Group-II/ Sub-Area, Railway Station Brajrajnagar, Post office Orient District Sambalpur (Orissa)	All premises of Orient Mine number 3, Mine number 4, General Manager Complex, all premises of residential/ non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
4.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, basundhara East OC Project, Railway Station Himgiri, Post Office Gopalpur, District Sundargarh (Orissa)	All premises of East and West Basundhara Open cast Project, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
5.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Lajkura Group/sub-Area Railway Station Brajrajnagar, Post Office Brajrajnagar, District Sambalpur. (Orissa)	All premises of Lajkura Open cast Coal Mine, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi coalfields Limited, Sambalpur.
6.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Samleswari Open cast Project Group Railway Station Brajrajnagar Post Office Brajrajnagar District Sambalpur (Orissa)	All premises of Samleswari Open cast Coal mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited. Sambalpur.
7.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Lilar open Cast Project, Group, Railway Station, Belpahar, Post office, Belpahar, District Sambalpur (Orissa).	All premises of Lilar opencast Coal mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
8.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Belpahar opencast Project Group, Railway Station Belpahar, Post Office Belpahar, District Sambalpur. (Orissa)	All premises of Belpahar open cast Coal mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
9.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Lakhanpur Open Cast Project, Group, Railway Station, Belpahar, Post Office, Lakhanpur, District-Sambalpur. (Orissa)	All premises of Lakhanpur opencast Coal mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.
<b>(B) TALCHER AREA</b>		
1.	Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Talcher Open Cast Project Group Railway Station, Talcher, Post Office Dera Colliery, District Dhenkanal (Orissa)	All premises of Talcher opencast Coal mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.

(1)	(2)	(3)
2. Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Deulbera Colliery Group, Railway Station, Talcher Post Office Deulbera, District Dhenkanal (Orissa)	All premises of Deulbera Coal Mine, Handidua Coal Mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.	
3. Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Lingraj Open Cast Project/Group, Railway Station Talcher, Post Office Talcher, District Dhenkanal (Orissa).	All premises of Deulbera Opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.	
4. Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields, Limited, Nandira Colliery/Group Railway Station, Talcher, Post Office Balanda, District Dhenkanal (Orissa)	All premises of Nandira Coal Mine, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.	
<b>(C) JAGANNATH AND KALINGA AREAS:</b>		
1. Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Bharatpur Coalfields Limited, Bharatpur Open Cast Project/Group Railway Station Talcher, Post Office Balanda (Orissa).	All Premises of Bharatpur opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.	
2. Sub-Area Manager/Agents/Project Officer, Mahanadi Coalfields Limited, Kalinga Open Cast Project/Group, Railway Station Talcher, Post Office Dera District Dhenkanal (Orissa).	All Premises of Kalinga opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.	
3. Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Jagannath Open Cast Project/Group, Railway Station, Talcher Post Office Balanda, District Dhenkanal (Orissa)	All Premises of Jagannath opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.	
4. Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, Ananta Open cast Project/Group Railway Station, Talcher, Post Office Dera Colliery, District Dhenkanal (Orissa)	All Premises of Ananta opencast projects, all premises of residential/non-residential buildings, and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.	
5. Sub-Area Manager/Agent/Project Officer, Mahanadi Coalfields Limited, South Balanda Open Cast Project/Group Railway Station, Talcher, Post Office Balanda District Dhenkanal (Orissa).	All Premises of South Balanda opencast project, all premises of residential/non-residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.	
6. General Superintendent, (Excavation), Mahanadi Coalfields Limited, Heavy Earth Moving Machinery, workshop, Jagannath Area, Talcher, Railway Station, Talcher Post Office Balanda, District Dhenkanal, (Orissa).	All Premises of Central workshop (Excavation) all premises of residential buildings and other premises belonging to or under the control of Mahanadi Coalfields Limited, Sambalpur.	
<b>(D) MCL, HEADQUARTER:</b>		
1. Estate Manager/Deputy Estate Manager, Mahanadi Coalfields Limited, Railway Station, Sambalpur, Post Office District Sambalpur (Orissa).	All premises of Mahanadi Coalfields Limited, residential/non-residential buildings at Sambalpur and Burla under the Control of the company.	

नई दिल्ली, 10 सितम्बर, 1993

का. आ. 2104—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 26 अक्टूबर, 1991 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय, कोयला विभाग की अधिसूचना का. आ. सं. 2660, तारीख 8 अक्टूबर, 1991 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 283.27 हेक्टर (लगभग) या 700.00 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी ;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभियान है।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) द्वारा प्रदत्त व्यक्तियों का प्रयोग करते हुए उससे संलग्न अनुसूची में वर्णित 172.60 हेक्टर (लगभग) या 426.50 एकड़ (लगभग) माप की भूमि या ऐसी भूमि में या उस पर के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1 : इस अधिसूचना के अन्तर्गत अपने धारे क्षेत्र के रेखांक सं. राज. / 1 / 93, तारीख 15 जनवरी, 1993 का निरीक्षण कलक्षटर उप आयुक्त, बोकारो, (बिहार) के कार्यालय में या कोयला नियंत्रक, 1, कौंसिल हाउस स्ट्रीट, कलकत्ता-1 के कार्यालय में या केन्द्रीय कोल फैल्ड्स लि. (राजस्व अमृभाग), बरमंगा हाउस, रानी (बिहार) के कार्यालय में किया जा सकेगा।

टिप्पण 2 : उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपचंद है।

“8. अर्जन के प्रति आपत्ति —

(1) कोई व्यक्ति जो किसी भूमि में जिसकी वावत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किसी अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण — इस धारा के अर्थात् यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करती भावित है।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम अधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं मुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को मुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न स्पष्टीकरणों के द्वारा उसके विवरण के लिए देगा।

(3) इस धारा के प्रयोगों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हुक्मदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3 : केन्द्रीय सरकार ने भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 11 जून, 1983 के पृष्ठ 2442 से 2446 पर प्रकाशित अधिसूचना सं. का. आ. 2518, तारीख 27 मई, 1983 द्वारा कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

प्रियकी महालीबंध ब्लाक विस्तार

(पूर्व बोकारो कोलफैल्ड्स)

राज. सं. /1/93

तारीख 15-1-1993

अर्जित भूमि की दशति हुए

हेक्टर में

क्र. सं.	ग्राम	धाना	धाना नम्बर	ज़िला	क्षेत्र एकड़ में	क्षेत्र एकड़ में	टिप्पणियाँ
1. सराम	गोमिया	122	गिरीडौह		426.50	172.60	(भाग)
			कुल क्षेत्र		426.50 क्षेत्र		
			या		172.60 हेक्टर		

सराम ग्राम में अर्जित किए जाने वाले प्लाट सं.

2077 (भाग), 2078 (भाग), 2079 (भाग), 2195 (भाग), 2210 से 2216, 2217 (भाग), 2218 (भाग), 2219, 2220, 2221 (भाग), 2225 (भाग), 2240 (भाग), 2241 (भाग), 2242 (भाग), 2243 (भाग), 2255 (भाग), 2256 (भाग), 2257 (भाग), 2258 (भाग), 2259 (भाग), 2262 (भाग), 2263 से 2276, 2277 (भाग), 2280 (भाग), 2281 (भाग), 2334 (भाग), 2337 (भाग), 2338, 2339, 2340, 2341 (भाग), 2469 (भाग), 2470, 2476 (भाग) 2477 से 2488, 2489 (भाग), 2491 (भाग), 2492 से 2495, 2496 (भाग), 2500 (भाग), 2501, 2502 (भाग), 2503, 2537, 2538 (भाग), 2540 (भाग), 2541 से 2554, 2555 (भाग), 2556 (भाग), 2580 (भाग), 2653 (भाग), 2654, 2655, 2656, (भाग), 2657 (भाग), 2730 (भाग), 2731 (भाग), 2732 (भाग), 2733 (भाग), 5258 (भाग), 5277 (भाग), 5278 से 5442, 5443 (भाग), 5445 (भाग), 5446, 5447 (भाग) 5451 (भाग), 5453 (भाग), 5454 (भाग), 5455 से 5465, (भाग) 5490, 5491, 5492, 5512 (भाग), 5513 (भाग), 5514 से 5604, 5605 (भाग), 5606 से 5623, 5624 (भाग), 5625 (भाग), 5626 (भाग), 5669 (भाग), 5870, 5871, 5672, 5673, (भाग), 5677 (भाग), 5679, 5680 (भाग), 5681 से 5686, 5687 (भाग), 5688 (भाग), 5722 (भाग), 5758 (भाग), 5831 (भाग), 5832 (भाग), 5833 (भाग), 5834 (भाग), 6067 (भाग), 6068 (भाग), 6069 से 6077, 6078 (भाग), 6079, 6080 (भाग), 6081 (भाग), 6082 (भाग), 6202 (भाग), 6203, 6204 (भाग), 6262 (भाग), 6263 से 6269, 6270 (भाग), 6271 (भाग), 6272 से 6281, 6282 (भाग), 6283 से 6414 और 6417.

सीमा वर्णन

क—ख—ग रेखा ग्राम सराम में प्लाट सं. 2733, 6262, 6202, 6204, 2540, 6117, 6022, 6082, 6081, 6080, 6078, 6068, 6087, 5605, 5834, 5833, 5832, 5831, 5626, 5625, 5624, 5669, 5673, 5677, 5680, 5687, 5688, 5722, प्लाट सं. 5493 और 5592, पूर्वी सीमा प्लाट संख्या 5513, 5512, 5465, 5453, 5454, 5451, 5447, 5445, 5443, 5286, 5443, 5758, 5443, 5758 और 5277 प्लाट सं. से गुजरती है और बिन्दु (ग) पर मिलती है।

ग और घ रेखा ग्राम सराम और सरदूचिया उर्फ कुलकुन्डी की भाग से सम्मिलित सीमा से होकर गुजरती है और बिन्दु "घ" पर मिलती है।

घ—ड रेखा उक्त अधिनियम की भारा 9 (1) के अधीन "कुसमानरहा नदी (जो मिरको महाओबंध ब्लाक) की केन्द्रीय रेखा से होकर गुजरती है और "ड" बिन्दु पर मिलती है।

झ—च—क रेखा ग्राम सराम में प्लाट सं. 2077, 2078, 2079, 2078, 2195, 2217, 2218, 2222, 2223, 2240, 2241, 2242, 2243, 2262, 2259, 2258, 2257, 2256, 2255, 2277, 2280, 2281, 2502, 2500, 2489, 2496, 2491, 2489, 2334, 2337, 2334, 2341, 2476, 2469, 2538, 2540, 2556, 2555, 2580, 2653, 2656, 2657, 6282, 6271, 6270, 2731, 2730 और 2732 से दोनों नदियों हैं और अंतर्मिन्दि बिन्दु "क" पर मिलती है।

[सं. 43015/6/91 — एस. एस. छल्यू.]

बी. बी. राव, अवर सचिव

New Delhi, the 10th September, 1993

S.O. 2104.—Whereas by the Notification of the Government of India in the then Ministry of Energy, Department of Coal, number S.O. 2660, dated the 8th October, 1991, published in the Gazette of India, Part, II, Section 3, Sub-Section (ii) dated the 26th October, 1991 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the Central Government gave notice of its intention to prospect for coal in 700.00 acres (approximately) or 283.27 hectares (approximately) of the lands in the locality specified in the Schedule appended to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notices of its intention to acquire the lands measuring 426.50 acres (approximately) or 172.60 hectares (approximately) described in the Schedule appended hereto:

Note 1—The plan bearing Drawing No. Rev./1/93 dated the 15th January, 1993 of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Bokaro (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi (Bihar).

Note 2—Attention is hereby invited to the provisions of section 8 of the said Act, which provides as follows:

Objection to acquisition:

8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the Notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be

undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land to the Central Government, containing his recommendations on the objec-

tions, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

NOTE.—The Coal Controller, 1, Council House Street, Calcutta, has been appointed by the Central Government as the competent authority under the Act vide notification number S.O. 2518, dated the 27th May, 1983, published in the Gazette of India Part-II, Section 3, Sub-Section (ii), dated the 11th June, 1983 at pages 2442 to 2446.

### SCHEDULE

#### JHIRKI MAHALIBANDH BLOCK EXTENSION (EAST BOKARO COALFIELD)

Org. No. Rev./1/93

dated 15-1-1993

(Showing lands to be acquired)

All Rights

Sl. No.	Village	Thana	Thana number	District	Area in acres	Area in hectare	Remarks
1.	Saram	Gomia	122	Giridih	426.50	172.60 (part)	
Total area:-		426.50 acres (Approximately)					
or		172.60 hectares (Approximately)					

Plot numbers to be acquired in village Saram:— 2077(part), 2078(part), 2079(part), 2195 (part), 2210 to 2216, 2217 (part), 2218 (part), 2219, 2220, 2221(part), 2225(part), 2240 (part), 2241(part), 2242 (part), 2243(part), 2255 (part), 2256 (part), 2257 (part), 2258 (part), 2259 (part), 2262(part), 2263 to 2276, 2277(part), 2280(part), 2281(part), 2334(part), 2337(part), 2338, 2339, 2340, 2341 (part), 2469(part), 2470, 2476(part), 2477 to 2488, 2489(part), 2491(part), 2492 to 2495, 2496(part), 2500 (part), 2501, 2502(part), 2503, 2537, 2538(part), 2540(part), 2541 to 2554, 2555(part), 2556(part), 2580(part), 2653 (part), 2654, 2655, 2656(part), 2657 part), 2730(part), 2731(part), 2732(part), 2733(part), 5276(part), 5277(part) 5278 to 5442, 5443(part), 5445(part), 5446, 5447(part), 5451(part), 5453(part), 5454(part), 5455 to 5464, 5565(part), 5490, 5491, 5492, 5512(part), 5513(part), 5514 to 5604, 5605(part), 5606 to 5623, 5624 (part), 5625(part), 5626(part), 5669(part), 5670, 5671, 5672, 5673(part), 5677(part), 5679, 5680(part), 5681 to 5685, 5687(part), 5688(part), 5722 (part), 5758 (part), 5831 (part), 5832(part), 5833(part), 5834(part), 6067(part), 6068(part), 6069 to 6077, 6078(part), 6079, 6080 (part), 6081 (part), 6082(part), 6083 to 6090, 6091(part), 6092(part), 6117(part), 6118 to 6201, 6202(part), 6203, 6204 (part), 6262 (part), 6263 to 6269, 6270 (part), 6271 (part), 6272 to 6281, 6282 (part), 6283 to 6414 and 6417.

Boundary description:—

A-B-C lines passes through plot numbers 2733, 6262, 6202, 6204, 2540, 6117, 6097, 6091, 6082, 6081, 6080, 6078, 6068, 6067, 5605, 5834, 5834, 5833, 5832, 5831, 5626, 5625, 5624, 5669, 5673, 5677, 5680, 5687, 5688, 5722, eastern boundary of plot numbers 5493 and 5592 through plot numbers 5513, 5512, 5465, 5453 5454, 5451, 5447, 5445, 5443, 5286, 5443, 5758, 5443, 5758, 5276 and 5277 in village Saram and meets at point 'C'.

C-D line passes along part common boundary of villages Saram and Sarhachia alias Kulkundi and meets at point 'D'

D-E lines passes along central line of Kusmagarha nadi (which forms common boundary of Jhirki Mahalibandh block acquired under section 9(1) of the said Act, and meets at point 'E'.

E-F-A lines pass through plot numbers 2077, 2078, 2079, 2078, 2195, 2217, 2218, 2221, 2225, 2240, 2241, 2242, 2243, 2262, 2259, 2258, 2257, 2256, 2255, 2277, 2280, 2281, 2502, 2500, 2489, 2496, 2491, 2489, 2334, 2337, 2334, 2341, 2476, 2469, 2538, 2540, 2556, 2555, 2580, 2653, 2656, 2657, 6082, 6271, 6270, 2731, 2730 and 2732 in village Saram and meets at starting point 'A'.

आदेश

नई दिल्ली, 10 सितम्बर, 1993

का. आ. 2105.—कोयला धारक क्षेत्र (प्रज्ञन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का. आ. 889, तारीख 27 फरवरी, 1992 के, भारत के राजपत्र, भाग 2, खंड 3, उर्ध्वांश्वर (ii) संलग्न तारीख 21 मार्च, 1992 में प्रकाशित होने पर उक्त अधिसूचना से अनुसूची में वर्णित भूमि (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) और भूमि में या उस पर के अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन सभी विलगमों से मुक्त होकर आत्यतिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और केन्द्रीय सरकार का यह समाधान हो गया है कि वेस्टर्न कोलोल्ड्स लिमिटेड नागपुर (जिसे इसमें इसके पश्चात् सरकारी कंपनी कहा गया है), ऐसे निवधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित अधिरोपित करना, ठोक समझ, अनुपालन करने के लिए रजाएं हैं।

अतः आब, केन्द्रीय सरकार उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देता है कि इस प्रकार निहित उक्त भूमि या ऐसी भूमि में या उन पर के अधिकार, तारीख 21 मार्च, 1992 के केन्द्रीय सरकार में इस प्रकार निहित बने रहने की अजाए, निम्नलिखित निवधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात्:—

1. सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर व्याज नुकसानी और वसों ही मदों को बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी।
2. सरकारी कंपनी द्वारा शर्तों के अधीन, केन्द्रीय सरकार को संदेश रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उन पर के अधिकारों के लिए या उनके संबंध में सभी विविक कार्यवाहियों जैसे ग्रोल आदि, को बाबत उपगत सभी व्यय भी, सरकारी कंपनी वहन करेगी।
3. सरकारी कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उन पर के अधिकारों के बारे में केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्य-

वाहियों के संबंध में प्रावश्यक हो, अतिपूर्ति करेगी।

4. सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि निसी अन्य व्यक्ति को अंतरित करने को शक्ति नहीं होगी; और;
5. सरकारी कंपनी, ऐसे निवेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी प्रावश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित को जाएं, पालन करेगी।

[सं. 43015 / 20 / 86-एल एस इन्व्यू]

बी. बी. राव, प्रवर सचिव

#### ORDER

New Delhi, the 10th September, 1993

S.O. 2105.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 889 dated the 27th February, 1992 in the Gazette of India, Part-II, Section 3, Sub-Section (ii) dated the 21st March, 1992, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the lands and rights, in or over the lands as described in the Schedules appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over such land so vested shall, with effect from the 21st March, 1992, instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely:—

1. the Government company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
2. a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said land, so vesting shall also be borne by the Government company;
3. the Government company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights, in or over the said lands, so vesting;
4. the Government company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and

5. The Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[No. 43015/20/86-LSW]

B. B. RAO, Under Secy.

आदेश

नई दिल्ली, 10 सितम्बर, 1993

का. आ. 2106.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) (धारा 9 को उपधारा (1) के अधीन निकालो गई भारत सरकार के कोयला मंत्रालय को अधिसूचना सं. का. आ. 1826, तारीख 5 जून, 1992 के भारत के राज्यव, भाग 2, खंड 3, उपखंड (ii) तारीख 11 जुलाई, 1992 में प्रकाशित होने पर उक्त अधिसूचना से संलग्न अनुमूल्यों में अंगत भूमि जिसे इसके पश्चात उक्त भूमि कहा गया है (ऐसी भूमि में या उस पर के सभी अधिकार उक्त अधिनियम की धारा 10 को उपधारा (1) के अधीन सभी विलयगमों से मुक्त होकर आत्मतिक रूप से केन्द्रीय सरकार में निहित हो गए थे।

और केन्द्रीय सरकार का यह समाधान हो गया है कि बैस्टर्न कॉलफोल्ड्स लिमिटेड, नागपुर (जिसे इसके पश्चात सरकारी कंपनी कहा गया है), ऐसे निवंधनों और शर्तों का जो केन्द्रीय सरकार इस निमित्त प्रधिरोपित करना उचित समझे, अनुपालन करने के लिए रजामंद है;

अतः, श्रव, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त यन्त्रियों का प्रयोग करते हुए, यह निवेद देती है कि इस प्रकार निहित उक्त भूमि में या उस पर के सभी अधिकार तारीख 11 जुलाई, 1992 में केन्द्रीय सरकार में इस प्रकार निहित बने रहने के बजाय, निम्नलिखित निवंधनों और शर्तों के अधीन रहते हुए, सरकारी कंपनी में निहित हो जाएंगे, अर्थात् :—

- सरकारी कंपनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, व्याज नुकसानी और वैसों ही मर्यों की वासत किए गए, सभी संकायों को केन्द्रीय सरकार की प्रतपूर्ति करेगी।
- सरकारी कंपनी द्वारा शर्त (1) के अधीन केन्द्रीय सरकार को संवेद्य रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता के लिए नियुक्त अधिकारों के संबंध में उपगत सभी व्यय, सरकारी कंपनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के लिए मा

उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अधीन, आदि की वास्त उपगत सभी व्यय भी, सरकारी कंपनी वहन करेगी।

- सरकारी कंपनी केन्द्रीय सरकार या उसके पदधारियों को, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदाधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, अतिपूर्ति करेगी।
- सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना उक्त भूमि किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी; और
- सरकारी कंपनी, ऐसे निवेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विभिन्न खेतों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेंगे।

[सं. 43015/28/89-एन. एस. इल्यू]  
बा. वी. राव, अवश्यक सचिव

#### ORDER

New Delhi, the 10th September, 1993

S.O. 2106.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 1826 dated the 5th June, 1992 in the Gazette of India, Part-II, Section 3, Sub-Section (ii), dated the 11th July, 1992, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the lands and all rights in or over such lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act;

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and all rights in or over such land so vested shall, with effect from the 11th July, 1992, instead of continuing to so vest in the Central Government, vest in the Government company, subject to the following terms and conditions, namely :—

- the Government company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
- a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government company and, similarly, all expenditure incurred in respect of all legal proceedings like an appeals etc. for or in connection with the rights, in

or over the said land so vesting shall also be borne by the Government company;

3. the Government company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights, in or over the said lands, so vesting;
4. the Government company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and
5. the Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[No. 43015/28/89-LSW]

B. B. RAO, Under Secy.

### विद्युत मंत्रालय

नई दिल्ली, 16 सितम्बर, 1993

का. आ. 2107—केन्द्रीय सरकार सरकारी म्यान (अधिकृत अधिभोगियों की वेदवनी) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के तत्कालीन उर्जा मंत्रालय (विद्युत विभाग) को अधिसूचना संचयांक का. आ. 5404, तारीख, 14 नवम्बर, 1985 में निम्नलिखित संशोधन करती है, अर्थात्—

उस अधिसूचना में, सारणी में, सन्दर्भ 1 में का संचयांक 1 के सामने “अवैधति इंजीनियर, भाष्वड़ा वाद्र मार्किन, नंगल टाउनशिप, पात्रों के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात्—

“निदेशक वांद गुरका, भाष्वड़ा व्यास प्रशंस्य बोर्ड, नंगल टाउनशिप”।

[का. सं. 1 / 8/85 डी (बी एड एन)]

ए. के. अमितोद्धी, निदेशक

टिप्पणी: मूल अधिसूचना का आ. 5404, तारीख, 14 नवम्बर, 1985 द्वारा प्रकाशित की गई थी और सत्यश्चात् निम्नलिखित द्वारा संशोधित की गई।

1. का. प्रा. 2354, तारीख, 19 अगस्त, 1987
2. का. आ 1039, तारीख, 2 अक्टूबर, 1989

### MINISTRY OF POWER

New Delhi, the 16th September, 1993

S.O. 2107.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby amends the notification of the Government of India, in the then Ministry of Energy (Department of Power)

number S.O. 5404, dated the 14th November, 1985, as follows, namely :—

In the said notification, in the Table, against serial number 1, in column 1, for the words “Superintending Engineer, Bhakra Dam Circle, Nangal Township” the following entry shall be substituted, namely:—

“Director/Dam Safety, Bhakra Beas Management Board, Nangal Township”

[F. No. 1/8/85-D(B&N)]

A. K. AGNIHOTRI, Director

Note :—Principal notification was published vide S.O. 5404 dated 14-11-1985 and subsequently amended by the following notifications :—

1. S.O. 2354, dated 19-8-1987

2. S.O. 1039, dated 3-4-1989.

### प्रेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 14 सितम्बर, 1993

का. आ. 2108—यतः प्रेट्रोलियम और प्राकृतिक पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 5 की उधारा (1) के अधीन भारत सरकार के प्रेट्रोलियम और प्राकृतिक गैस मंत्रालय को अधिसूचना का. आ. सं. 1715 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस प्रधिसूचना से संलग्न प्रनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को विभाने के लिए अर्जित करने का प्राप्ता आयोग घोषित कर दिया था।

अतः यतः सन्दर्भ प्राप्तिकारी ने उस अधिनियम की धारा 6 की उधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

अतः यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न प्रनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन विभाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

और आगे उस धारा की उधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेज और प्राकृतिक गैस आयोग में, सभी भाष्वाओं से सुन्त सूप में घोषणा में प्रकाशन की इस तारीख को निहित होगा।

## ग्रन्ति

जो एन एच से जो जी एम-II नक पाइप लाईन  
विभाने के लिए।

राज्य-गुजरात	जिला-भुरुच	तालुका-वागरा		
गांव	ब्लॉक नं.	हे.	आर	सें.
1	2	3	4	5
पालसी	406	0	38	74
	17	0	01	08
	16	0	36	66
	408	0	21	06
	409	0	01	56
	405/ए/बी/	0	08	97
	404	0	07	54
	403	0	17	03
	353/ए/बी/	0	19	24
	356	0	11	44
	375	0	02	73
	376	0	04	42
	374	0	08	45
	289	0	01	04
	363/ए/बी/	0	28	73
कार्ट ट्रैक	0	00	52	
	286	0	04	94
	277/बी/	0	10	40
	276/बी/	0	13	52
	267	0	15	73
	55	0	09	36
	268	0	08	84
	269	0	26	91
	273	0	08	84
	274	0	06	89
	288	0	38	09

[मं.-ओ 12016/24/92 ओ एन जो डी (IV)]

एम. भार्टन, ईस्क अधिकारी

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 14th September, 1993

S.O. 2108.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1715 dated 9-6-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from all encumbrances.

## SCHEDULE

## Pipeline from GNFR to GOS-II

State : Gujarat District : Bhuruch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
Paldi	406	0	38	74
	17	0	01	08
	16	0	36	66
	408	0	21	06
	409	0	01	56
	405/A/B	0	08	97
	404	0	07	54
	403	0	17	03
	353/A/B	0	19	24
	356	0	11	44
	375	0	02	73
	376	0	04	42
	374	0	08	45
	289	0	01	04
	363/A/B	0	28	73
Cart track	0	00	52	
	286	0	04	94
	277/B	0	10	40
	276/B	0	13	52
	267	0	15	73
	55	0	09	36
	268	0	08	84
	269	0	26	91
	273	0	08	84
	274	0	06	89
	288	0	38	09

[No. O-12016/24/92 ONGD-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 14 सितम्बर, 1993

का. आ. 2109.—यतः पेट्रोलियम और अनियं  
पाईपलाईन भूमि में उपयोग के अधिकार का अर्जन अधि-  
नियम, 1962 (1962 का 50) की धारा 3 की उपधारा  
(1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक  
गैस मंत्रालय की अधिभूतना का. आ. सं. 1716  
तारीख 9-6-92 वारा केन्द्रीय सरकार ने उस अधिभूतना  
से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के  
अधिकार को पाइपलाईनों को विभाने के लिए अंजित कर  
का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करने हुए केन्द्रीय सरकार सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन विभाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से सुकृत रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

जी जे डी बी से दहेज जी जी एस तक पाईप लाईन विभाने के लिए।

राज्य-गुजरात	जिला-भूलं	तालुका-बागरा			
पांच	ब्लॉक नं.	हे.	आर	से.	
कोलीयाद	174	0	18	85	
	181/बी	0	11	31	
	189/बी	0	15	47	
	191	0	09	23	
	188/ए	0	29	27	
	188/शी	0	01	06	
	187	0	00	68	
	181/ए	0	00	96	
	183/बी	0	11	18	

[म. ओ.-12016/25/92-ओ एन जी डी-IV]  
एम. मार्टिन, डैस्ट्रक्टर अधिकारी

New Delhi, the 14th September, 1993

S.O. 2109.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 1716 dated 9-6-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (5 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural G's Commission free from all encumbrances.

#### SCHEDULE

Pipeline from DJDB to DAHEJ GGS  
State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Acre	Centi-are
Koliyad	174	0	18	85
	181/B	0	11	31
	189/B	0	15	47
	191	0	09	23
	181/A	0	29	27
	188/B	0	01	06
	187	0	00	68
	181/A	0	00	96
	183/B	0	11	18

[NO. O-12016/25/92:ONGD:IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 14 सितम्बर, 1993

का. आ. 2110—यतः पेट्रोलियम और असिय पाइपलाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. स. 1723 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाईनों को विभाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार उर्जित करने का विनिश्चय किया है।

अतः अब उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन विभाने के प्रयोजन के लिए एवं द्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार द्वारा निहित होने की बजाय नेल और प्राकृतिक गैस आयोग में, सभी बाधाओं में मुक्त रूप में, धोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुमूल्य

जी एन डी एस में डब्ल्यू आई एच ई पी एस के पास तक पाईप लाईन बिछाने के लिए।

राज्य-गुजरात	जिला-भरुच	तालुका-बागरा		
गांव	ब्लाक नं.	हे.	आर.	मे.
गंधार	322/ए/बी	1	23	24

[सं. ओ-12016/32/92-ओ एन जी डी-IV]

एम. मार्टिन, ईस्क अधिकारी

New Delhi, the 14th September, 1993

S.O. 2110.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1723 dated 9-6-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

## SCHEDULE

## Pipeline from GNDS to WIH Near EPS

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Acre	Centi-	are
Gandhar	322/A/B	1	23	24	

[No. O-12016/32/92 ONGD-IV]  
M. MARTIN, Desk Officer

2120 GT/93—4

नई दिल्ली, 14 सितम्बर, 1993

का. आ. 2111.—यतः पेट्रोलियम और खनिज पाइपलाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस अंतरालय की अधिसूचना का. आ. सं. 1729 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाईनों को बिछाने के लिए अंजित करने का अपना आशय धोषित कर दिया था।

और यतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दें दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा धोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में उपयोग का अधिकार पाईपलाईन बिछाने के प्रयोग के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय नेल और प्राकृतिक गैस आयोग में सभी बाधाओं में मुक्त रूप में, धोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुमूल्य

जी एन डी एस में डब्ल्यू आई एच ई पी एस के पास तक पाईप लाईन बिछाने के लिए

राज्य-गुजरात

गांव	ब्लाक नं.	हे.	आर.	मे.
पांचबल	285	0	69	68

[सं. ओ-12016/38/92-ओ एन जी डी-IV]

एम. मार्टिन, ईस्क अधिकारी

New Delhi, the 14th September, 1993

S.O. 2111.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1729 dated 9-6-92 under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central

Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

#### SCHEDULE

##### Pipeline from GNDS to WIH Near EPS

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centi-are
Chanchwel	285	0	69	68

[No. O-12016/38/92 ONGD-IV]  
M. MARTIN, Des Officer

नई दिल्ली, 14 सितम्बर, 1993

का. आ. 2112—यतः पेट्रोलियम और अनियम पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 1731 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाईनों को बिछाने के लिए अर्जित करने का ग्रपना आण्य घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अनः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अनियमों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाईन बिछाने के प्रयोजन के लिए एनडब्ल्यूआरा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त अनियमों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार बेल्ड्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

जी एन डी क्यू से डब्ल्यूआर्इ एवं इंडी एस के पास तक पाईप लाईन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव	बलाक नं.	हें.	आर	से.
गंधार	322 /ए बी	1	50	82

[सं. ओ-12016/40/92-ओ पन जी ई-IV]

एम. मार्टिन, डैस्क अधिकारी

New Delhi, the 14th September, 1993

S.O. 2112.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1731 dated 9-6-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline,

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

#### SCHEDULE

##### Pipeline from GNDQ to WIH at EPS

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centi-are
Gandhar	322/A/B	1	50	82

[No. O-12016/40/92 ONGD-IV]

M. MARTIN, Desk Officer

रामायन एवं उत्कर्षक मंकालय  
(रसायन और पेट्रोरसायन विभाग)  
नई दिल्ली, 23 सितम्बर, 1993

कानून 2113-पेट्रोलियम एवं खनिज पालियार्डन (भूमि गे उपयोग के अधिकार का अन्तर्गत अधिनियम, 1962 में (1962 का 50) की धारा 2 के अन्तर्गत (प्र) के अनुसार में केन्द्रीय सरकार नीचे दी गई अनुसूची के कानून 1 में उत्तिक्षित प्राधिकारी को उक्त अनुसूची के काला (3) की तदनुसूची प्रविष्टि में उत्तिक्षित क्षेत्रों की सीमाओं के भीनर उक्त प्रविनियम के अन्तर्गत सभी प्राधिकारी के बारे फरने के सिथे एमदारा प्राधिकृत करता है।

## अनुसूची

व्यक्ति का नाम	पता	धेवीय सीमा
(1)	(2)	(3)
श्री एच एक गिरावट इंडियन पेट्रोकेमिकल्स कार्पोरेशन निमिट्टे, महाराष्ट्र सीमा औकर कास्टलेन्स, डिव्होन, पोर्ट पेट्रोकेमि- कल्स टाउनशिप, जिला रायगढ़	महाराष्ट्र राज्य	
402126		

[सं. 34027/1/93-सी सी III]

श्री. श्री. गेंदीरत्ना, अवर सचिव

MINISTRY OF CHEMICALS AND FERTILIZERS  
(Department of Chemicals and Petrochemicals)

New Delhi, the 23rd, September, 1993

S.O. 2113.—In pursuance of Clause (a) of Section 2 of the Petroleum and Minerals pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the authority mentioned in Column (1) of the Schedule below to perform the functions of the Competent Authority under the said Act, within the areas mentioned in the corresponding entry in the Column (3) of the Said Schedule

## SCHEDULE

Name of person	Address	Territorial Jurisdiction
1	2	3
Shri H.F. Shirsat	Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex, P.O. Petrochemicals Township, Nagothane, District, Raigad-402 125 Maharashtra	State of Maharashtra

[No. 34027/1/93-PC-III]

D.V. MENDIRATTA, Under Secy.

## स्वास्थ्य और परिवार मंत्रालय

नई दिल्ली, 18 अगस्त, 1993

कानून 2114-भारतीय नर्सिंग परिषद न 6 जनवरी, 1992 की द्वारा बैठक में पारित संकलन द्वारा और भारतीय नर्सिंग परिषद अधिनियम, 1947 (1947 का 48) की धारा 10 की उपधारा (2) के अनुसार में यह घोषणा की है कि 1 जून, 1982 को अन्तरा उसके पास्त प्रश्न जन स्वास्थ्य में डिल्लीमा उक्त अधिनियम के प्रयोगों के लिये उच्चतर योग्यता के रूप में मात्र होता है।

और जैसा उक्त अधिनियम की धारा 15 की धारा (1) के अनुमार अप्रक्षित है, उक्त संकलन भारतीय नर्सिंग परिषद की दिनांक 20 अप्रैल, 1992 की अधिसूचना नं. 11-1/92 प्रभा. T.P. के गाँव राजपत्र में प्रकाशित किये गये हैं;

प्रतः उक्त अधिनियम की धारा 15 की उपधारा (2) के उपबन्धों के अनुसार में केन्द्रीय सरकार उक्त अधिनियम की अनुसूची में निम्न-निम्निका विवर समावित करती है ताकि इसे उक्त घोषणा के अनुसार बनाया जा सके, नामतः—

उक्त अधिनियम की अनुसूची के धारा-II में “भालता प्राप्त उच्चतर योग्यता” शोधक के अन्तर्गत, प्रविष्टि 36 के पश्चात् निम्ननिम्निका विवर समावित करती है ताकि इसे उक्त घोषणा के अनुसार बनाया जा सके, नामतः—

“37 स्वास्थ्य सेवा निवेशनल, जन स्वास्थ्य में डिल्लीमा/नर्सिंग प्रदेश निवेशनल, जिला डिल्लीमा (1 जून, 1982 को या उसके पश्चात् प्रदत्त) प्रक्रिया

[ग्रन्थ वी. 14015/1/92 पी. प्रभा. प्रदत्त]

प्रारं श्रीवनिवासन, प्रब्रह नवित्र

पाद टिप्पणी :—अनुसूची के धारा-II में संशोधनः—

1. का.आ. सं. 3356, दिनांक 23-11-1981

2. का.आ. सं. 3399, दिनांक 23-11-1981

3. का.आ. सं. 2732, दिनांक 18-09-1990

के नहर फिल गया था।

## MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 18th August, 1993

S.O. 2114.—Whereas the Indian Nursing Council has, by a resolution passed at a meeting held on the 6th January, 1992 and in pursuance of sub-section (2) of section 10 of the Indian Nursing Council Act, 1947 (48 of 1947), declared that the Diploma in Public Health/Diploma in Nursing Education when granted on or after 1st June, 1982 shall be recognised as higher qualification for the purpose of the said Act;

And whereas the said resolution has been published in the official Gazette with the Notification of the Indian Nursing Council No. 11-1/92-INC, dated the 20th April, 1992, as required by sub-section (1) of section 15 of the said Act;

Now, therefore, in pursuance of the provisions of sub-section (2) of section 15 of the said Act, the Central Government hereby makes the following further amendment in the Schedule to the said Act so as to bring it into accord with the said declaration, namely :

In the Schedule to the said Act, in Part-II, under the heading “Recognised Higher Qualification”, after entry 36, the following entry shall be inserted, namely :

Services, Madhya Pradesh Diploma in Public Health-  
“37. Directorate of Health Diploma in Nursing

“Education

(When granted on or

after 1st June 1982)”

[No. V. 14015/1/92-PMS]

R. SRINIVASAN, Under Secy.

Foot note :—Part II of the Schedule was amended vide:

1. S.O. No. 3356 dated 23-11-1981

2. S.O. No. 3399 dated 23-11-1981

3. S.O. No. 2732 dated 18-09-1990.

## (स्वास्थ्य विभाग)

नई दिल्ली, 27 अगस्त, 1993

का.प्रा. 2115—केन्द्रीय सरकार भारतीय चिकित्सा केन्द्रीय परिषद अधिनियम, 1970 (1970 का अधिनियम संख्या 48) की धारा 3 को प्रयोगार्थ (1) विंड “क” को अठिन उपर अधिनियम की गहरी प्रनुसारी के पैरा 2 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए भारतीय चिकित्सा केन्द्रीय परिषद में राज्य केन्द्र शासित प्रदेश के अनुसार आयुर्वेद, यूनानी तथा चिक्कित्सा के लिये सीटों की संख्या भारतीय चिकित्सा केन्द्रीय परिषद में राज्य केन्द्र शासित प्रदेश के अनुसार आयुर्वेद, यूनानी तथा चिक्कित्सा के लिये सीटों की संख्या भारतीय चिकित्सा केन्द्रीय परिषद में राज्य केन्द्र शासित प्रदेश का नाम कथित मारणी के कालम नं. 2 पर अंकित है। राज्य केन्द्र शासित प्रदेश का नाम कथित मारणी के कालम नं. 1 पर दिया गया है।

क्रम सं. राज्य के केन्द्र शासित प्रदेश का नाम अंग्रेजी सीटों की संख्या

आयुर्वेद में यूनानी चिक्कित्सा

1	2	3	4	5
1. दिल्ली		1	1	--
2. गुजरात		2	1	--
3. हरियाणा		2	1	--
4. हिमाचल प्रदेश		1	1	--
5. जम्मू व कश्मीर		1	1	--
“एल		2	--	1
6. मध्य प्रदेश		5	1	--
7. उड़ीसा		1	--	--
8. पंजाब		2	1	--
9. राजस्थान		3	1	--
10. असम		1	1	2
11. असम		5	2	--
12. उत्तर प्रदेश		1	1	--
13. प. बंगाल		2	--	--
14. कर्नाटक		2	1	--

[ वी. 26025/12/93-ए.ई.-सी सी शाही प्रम-कृत सेख ]

पत्र नं. ८०३८, संयुक्त मंत्रिमंत्री

(Department of Health)

New Delhi, the 27th August, 1993

S.O. 2115—In exercise of the powers Conferred by paragraph 2 of the First Schedule to the Indian Medicine Central Council Act, 1970 (Act No. 48 of 1970) read with Clause (a) of sub-section (1) of Section 3 of the said Act, the Central Government hereby determine the number of seats allocated in the Central Council of Indian Medicine for Ayurveda, Unani and Siddha systems of Medicine, as specified

column No. 2 of the table below in respect of the States and Union Territories specified in column no. 1 of the table.

S.No.	Name of the State/Uts	No. of Seats Allocated		
		Aya.	Unani	Siddha
1	2	3	4	5
1.	Delhi	1	1	Nil
2.	Gujarat	2	1	Nil
3.	Haryana	2	1	Nil
4.	Himachal Pradesh	1	1	Nil
5.	Kerala	2	Nil	1
6.	Mahdya Pradesh	5	1	Nil
7.	Orissa	1	Nil	Nil
8.	Punjab	2	1	Nil
9.	Ralasthan	3	1	Nil
10.	Tamil Nadu	1	1	2
11.	Uttar Pradesh	5	2	Nil
12.	West Bengal	1	1	Nil
13.	J & K	1	1	Nil
14.	Karnataka	2	1	Nil

[No. V-26025/12/93/AE-CCIM-Election Cell]

PAWAN CHOPRA, Jt. Secy.

संचार मंत्रालय

(प्रसंचार विभाग)

नई दिल्ली, 30 अगस्त, 1993

का.प्रा. 2116—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम 1976 के नियम 10(4) के अनुसार मंत्रालय के प्रशासनिक नियंत्रणाधीन नियन्त्रित कागजलियों, जिनमें 80% से अधिक कागजलियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, फोटोकॉपी एवं एड्स्ट्रायर अधिसूचित करती हैः—

1. टैलीकॉन एक्सचेंज ब्रिनिथ और

2. टैलीकॉन एक्सचेंज रुद्रप्रयाग।

[मे. ई. 11020/1/92-रा.भा.]

एच.मी. शर्मा, उप निदेशक (राजभाषा)

MINISTRY OF COMMUNICATIONS

-(Department of Communications)

New Delhi, the 30th August, 1993

S.O. 2116.—In pursuance of Rule 10(4) of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies following officers of the Ministry of Communications where of more than 80 per cent staff have acquired working knowledge of Hindi :—

1. Telephone Exchange Badrinath and
2. Telephone Exchange Rudraprayag.

[No. E. 11020/1/92-OL]

H. C. SHARMA, Dy. Director (OL)

## नागर विमानन और पर्यटन मंत्रालय

(नागर विमानन विभाग)

नई दिल्ली, 16 सितम्बर, 1993

का.आ. 2117—केन्द्रीय मिशन भेदा (वर्गीकरण नियन्त्रण और अपील) नियम, 1965 के नियम 1 के उप-नियम (2) और नियम 12 के उप-नियम (2) की धारा (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति, भारत सरकार नागर विमानन मंत्रालय की दिनांक 20 मार्च, 1987 की अधिसूचना संस्था मा.आ. 1549 में एनदूद्वारा निम्नलिखित संशोधन करते हैं, अर्थात् :—

उक्त अधिसूचना की अनुसूची के भाग-2 मामाल्य केन्द्रीय सेवाएं समूह “ग” के दण्ड (ख) में, कानून 1 गे 5 को प्रविधियों के स्थान पर निम्नलिखित प्रविधियां प्रतिस्थापित करें, अर्थात् :—

पद का विवरण	नियुक्ति प्राप्तिकारी	दण्ड लगाने के लिए सम्बन्ध प्राप्तिकारी और दण्ड		प्राप्तिकारी	दण्ड
		जो वह लगाना चाहे (नियम 11 में भद्र संरक्षा के संदर्भ में)	दण्ड		
1	2	3	4	5	
<b>क्षेत्रीय और मन्त्र अधीनस्थ कार्यालय</b>					
ममी पद	(i) उड़नयोग्यता निदेशक (उड़नयोग्यता विभाग के लिए)	विमान सुरक्षा नियंत्रक (उड़नयोग्यता विभाग के लिए)	(1) से (4)	उप महानिदेशक नागर विमानन	
	(ii) निदेशक विमान सुरक्षा (विमान सुरक्षा विभाग के लिए)	निदेशक उड़नयोग्यता (उड़नयोग्यता विभाग के लिए)	ममी		
		निदेशक विमान सुरक्षा (विमान सुरक्षा विभाग के लिए)			

[म. सी 30019/5/86-वीसी/ई-2]

प्र.एम. मन्त्र, अक्टूबर सचिव

## MINISTRY OF CIVIL AVIATION &amp; TOURISM

(Department of Civil Aviation)

New Delhi, the 16th September, 1993.

S.O. 2117:—In exercise of the powers conferred by sub-rule (2) of rule 4 and clause (b) of sub-rule (2) of rule 2 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby makes the following amendments in the notification of Government of India in the Ministry of Civil Aviation No. S.O. 1549 dated the 20th March, 1987, namely:—

In the schedule to the said notification, in Part II General Central Services Group 'C' in clause (b), for the entries in columns 1 to 5 the following entries shall be substituted, namely:—

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (w.r.t. item No. in Rule 11)	Appellate Authority	
			Authority	Penalties
1	2	3	4	5
Regional and other subordinate offices				
All Posts	(i) Director of Airworthiness (for airworthiness discipline)	Controller of Air Safety Controller/Deputy Director of Airworthiness	(i) to (iv)	Deputy Director General of Civil Aviation

1	2	3	4	5
(ii) Director of Air Safety (For Safety discipline)	Director of Airworthiness (for Airworthiness discipline)	Director of Air Safety (for Air safety discipline)	All	

[No. C 30019/5/86-VC/E-II]

H.S. SANDHU, Under Secy

नई दिल्ली, 16 अक्टूबर, 1993

का.पा. 2118—जबकि भेल स्वामिन विमान वी.टी.एस दी.सी. 3-6-1993 को हार्ड्वार में एक प्राप्ति उड़ान करते हुए दुर्घटनाग्रस्त हो गया था जिसके परिणामस्वरूप विमान पर एक मात्र सवार, कैप्टन कमिंद्र सिंह भी मृत्यु दा गई थी।

और जबकि केंद्रीय सरकार यह आवश्यक भवितव्य है कि एक जांच समिति द्वारा इस दुर्घटना की जांच करवाना गमीचीन है।

ग्रन्थ वान्यान भवित्वियम 1937 के नियम 74 द्वारा प्रत्यक्ष विकल्पों का प्रयोग करते हुए, केंद्रीय सरकार एक्स्डारा दुर्घटना की परिस्थितियों का निर्धारण करने वाला दुर्घटना के संभावित कारणों का पता लगाने के लिये निम्नलिखित व्यक्तियों वाली एक जांच समिति नियुक्त करती है:—

1. श्री के. श्रीनिवास —प्रधान  
वैमानिकी नियेश्वर, डी.आर.डी.ओ.  
भारा मंत्रालय, नई दिल्ली
2. श्री वी. के. चंद्रा लिला —सदस्य  
सम्युक्त नियेश्वर, एपर स्टाफ रिकार्ड्स  
वायु सेना मुख्यालय,  
नई दिल्ली।
3. श्री वी. के. वान्या —सदस्य-सचिव  
हाई एयर नियेश्वर,  
नामदः विमानन महानियेश्वर, मुख्यालय  
नई दिल्ली।

जांच समिति अपनी जांच पूरी करके 30 नवम्बर, 1993 तक तक आगामी दिनों केंद्र सरकार को प्रस्तुत करेगी।

जांच समिति का मुख्यालय दिल्ली में है।

[मंज्ञा एस. 15013/12/93-वान्यासवी]

ए.एम. भारद्वाज, संयुक्त सचिव

New Delhi, the 16th September, 1993

S.O. 2118.—Whereas a BHEL Swati aircraft VT-STC while carrying out test flying at Hardwar on 03-06-1993 was involved in an accident resulting in the death of Capt. Kumindra Singh, the sole occupant on board the aircraft.

And whereas it appears necessary to Central Government that it is expedient to hold an inquiry into the said accident by a Committee of Inquiry.

Now, therefore, in exercise of the powers conferred by Rule 74 of the Aircraft Rules, 1937, the Central Government hereby appoints a Committee of Inquiry composed of the

following persons to determine the circumstances of the accident and the probable cause of the accident:—

1. श्री K. Srinivasa, —Chairman  
Director of Aeronautics, DRDO,  
Ministry of Defence,  
New Delhi.
2. ग्रुप कॉप्ट. A. K. Nagalia, —Member  
Joint Director, Air Staff Requirements,  
Air Headquarters,  
New Delhi.
3. श्री V. K. Chandra, —Member-Secretary  
Director of Air Safety,  
DGCA Headquarters,  
New Delhi.

The Committee of Inquiry would complete its inquiry and submit its report to the Central Government by 30th November, 1993.

The headquarters of the Committee of Inquiry will be at Delhi.

[No. AV. 15013/12/93-SSV]  
A. M. BHARDWAJ, Jt. Secy.

भ्रम मंत्रालय

नई दिल्ली, 29 अक्टूबर, 1993

का.पा. 2119—कर्मचारी भविष्य निधि एवं प्रकोण उपबंध भवित्वियम 1952 की धारा 17 की उपधारा (1) के अन्तर्गत (क) द्वारा प्रदत्त विकल्पों का प्रयोग करते हुए केंद्रीय सरकार एक्स्डारा भारत सरकार के तहतीन श्रय एवं रोजगार मालिनी को दिनांक 10 जुलाई, 1963, की अधिकृत मंदिरा का.पा. 2018, जो भारत के राजपत्र के भाग II, अन्तर्गत 3, उपखण्ड (ii) में दिनांक 20 जुलाई, 1963 को प्रकाशित हुई थी, के तहत मैसास देवरिया शुगर मिल्स कंपनी लिमिटेड, देवरिया उत्तर प्रदेश को प्रदान की गयी छूट को 24 अप्रैल, 1989 से रद्द करती है।

[मंज्ञा एस. 35017/2/92-प्रस. एस. - 2]

प्रे.पी. शुक्ला, अवर सचिव

## MINISTRY OF LABOUR

New Delhi, the 29th July, 1993.

S.O. 2119.—In exercise of the powers conferred by Clause (a) of Sub-Section (4) of Section 17 of the Employees Provident Fund & Miscellaneous Provisions Act, 1952 the Central Government hereby cancels with effect from 24th April, 1989 the exemption granted to M/s. Deoria Sugarc Mills Co. Ltd., Deoria, U. P. vide Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2018, dated 10th July, 1963 published in the Gazette of India Part II Section 3 Sub-Section (ii) dated the 20th July, 1963.

[No. S-35017/2/92-SS-II]  
J. P. SHUKLA, Under Secy.

नई दिल्ली, 29 जुलाई, 1993

का.आ. 2120—कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 की धारा 17 की उपधारा (4) के खण्ड (क) द्वारा प्रबल अवितरों का प्रयोग करते हुए केन्द्रीय सरकार एन्ड्राया, भारत सरकार के तत्कालीन श्रम एवं रोजगार गंत्रालय की दिनांक 10 जुलाई, 1963 की अधिसूचना संख्या का.आ. 2022, जो भारत के राजपत्र भाग II, खंड 3, उपबंड (ii) में दिनांक 20 जुलाई, 1963 को प्रकाशित हुई थी, के नहत मैमर्स सीना राम शुगर मिल्स, बैतालपुर, देवरिया, उत्तर प्रदेश को प्रदान की गयी छूट को 24 अप्रैल, 1989 से रद्द करनी है।

[एम-35017/1/92-एम.प.म. -II]

जे. पी. शुक्ला, अवर सचिव

New Delhi, the 29th July, 1993

S.O. 2120.—In exercise of the powers conferred by Clause (a) of Sub-Section (4) of Section 17 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 the Central Government hereby cancels with effect from 24th April, 1989 the exemption granted to M/s. Sita Rama Sugar Mills, Baitalpur, Deoria, U. P. vide Notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 2022, dated 10th July, 1963 published in the Gazette of India Part II Section 3, Sub-Section (ii), dated the 20th July, 1963.

[No. S-35017/1/92-SS-II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 13 सितम्बर, 1993

का.आ. 2121—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोल इण्डिया लि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करते हैं, जो केन्द्रीय सरकार को 9-9-93 को प्राप्त हुआ था।

[संख्या एम-22012/165/89-आई आर (सी II)]

राजा लाल, डैस्ट्रिक्ट अधिकारी

New Delhi, the 13th September, 1993

S.O. 2121.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Coal India Limited and their workmen, which was received by the Central Government on 9-9-1993.

[No. L-22012/165/89-R. C-II]

RAJA LAL, Desk Officer

## ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA

Reference No. 36 of 1989

## PARTIES :

Employers in relation to the Management of Coal India  
Ltd.

AND

Their Workmen.

## PRESENT :

Mr. Justice Manash Nath Roy, Presiding Officer.

## APPEARANCES :

On behalf of Management—Mr. Kalyan Bandopadhyaya,  
Advocate and Mr. P. K. Tarafdar, Advocate.On behalf of Workman—Mr. A. Choudhary, Advocate  
with Mr. M. N. Bhownik, Advocate.

STATE : West Bengal

INDUSTRY : Coal

## AWARD

The action of the Management of Coal India Ltd, Calcutta (hereinafter referred to as the said employer), in dismissing Sri Radha Raman Biswas (hereinafter referred to as the said employee), by order dated April 21, 1988, was legal or justified and if not, to what relief, the said employee was entitled, was in issue in this case and the same was referred for adjudication to this Tribunal, by Government Order of Reference dated November 20, 1989 bearing No. L-22012/165/89-IR (C-II), made under Section 10(1)(d) and sub-section 2-A of the Industrial Disputes Act, 1947 (hereinafter referred to as the said Act).

2. At all material times, the said employee, who claimed to be belonging to Scheduled Caste, was appointed as a Peon in the Project and Monitoring Division of the said Employer. In fact, he has claimed to have been employed for more than twenty years.

3. The genesis of the dispute, as stated, really arose of a storm over a cup of tea and in the facts and circumstances as indicated hereafter. The said employer has said that initially the said employee was appointed on and from November 15, 1962, in the office of the Coal Board at Calcutta as Peon and thereafter, on his asking, his services were transferred to the said employer, and in the same category, with effect from April 1, 1975 and he continued in that post and then, he was transferred to the Project and Monitoring Division and was there till his dismissal.

4. It was the case of the said employee that earlier to the charge-sheet (Ext. M-2), which was issued against him on June 29, 1987, he had addressed representation to the President of India and Prime Minister, requesting their intervention in the matter of his deprivation for superior post and that engaged the high officials of the said employer, who hatched a conspiracy, to get rid of him. The representation to the above effect or any order passed thereon have neither been produced nor proved in this case or brought on record. However, it is an admitted fact that the said employee was charge-sheeted vide Exhibit M-2, for wilful insubordination and indiscipline and riotous or disorderly behaviour during office hours. The said employee, replied to the same by his undated representation in Annexure 'B' to his Written Statement, Ext. M-4, claiming amongst others, that he, being a member of the Scheduled Caste, did not receive proper treatment from the Authorities, for his promotion to higher posts, which was available to him, in terms of the provisions of the Constitution of India.

5. It was his case that Sri R. K. Sinha Roy, a consultant of the said employer, was appointed, the Enquiry Officer on the same date of the issue of the charge sheet and after enquiry, he submitted his report Exhibit M-12, finding him guilty and on that, the said employer took a stringent view and dismissed him from his services by the admitted document dated April 21, 1988. He has alleged that, since the

said Enquiry Officer was not duly appointed, so the findings made by him, were not sustainable and that Officer, exceeded his jurisdiction and authority, in holding the enquiry in respect of the occurrence on June, 29, 1987, as according to him, he was appointed to enquire the charges of the charge vide charge sheet No. C 12-C (AW) 107258, (Pt. II) 825 dated April 17, 1985 and CIL C-5A (AW) 07258, 1703 dated July 6/1-7-85, in terms of Annexure 'C' to his written statement. He has also reiterated that the recording of evidence by the Enquiry Officer, for the charge sheet dated June 29, 1987 was bad, he was not duly appointed for that.

6. It has also been contended that the said employee's little knowledge of English and his experience, should also have been favourably considered, while imposing such harsh punishment of dismissal and the impugned order was purfuntory also. Such order of dismissal was claimed to be penal and not commensurate with the alleged indiscipline. He has also asked for mercy, considering his poor condition. It should be noted that not only his learned lawyer, but he himself also, opted, that he was willing to join and serve in his post of Peon, if this Tribunal so directs and in fact, Sri Bandopadhyay was asked to get instructions from his client on the point. But he has not given any answer to that.

7. Apart from the defence as indicated to some extent in paragraphs 3 and 4 above, the said employer by the written statement filed on May 17, 1990, claimed that the Reference here, suffered from non-application of mind and the same was void, inoperative and baseless, as the services of the said employee were terminated on following the principles of natural justice duly and also, as such termination, was after a proper enquiry, where the said employee was given all opportunities to defend his case and to prove his innocence. It should be noted that at the hearing before this Tribunal, the parties tendered their evidence both on merits and preliminary objections as raised and they also argued the case on both the points.

8. After narrating the terms of the charge-sheet (Exhibit M-2) in the written statement, the said employer has stated that on receipt of the reply of the said employee (Exhibit M-4), a Departmental Enquiry was constituted on July 7, 1987, by appointing the said Sri Sinha Roy as mentioned earlier, by Exhibit M-1 and he conducted the enquiry, after affording the said employee, all reasonable opportunities and thereafter, the said Enquiry Officer submitted his enquiry report, wherein he found that the charges of (i) indiscipline and (ii) riotous or disorderly behaviour during working hours against the said employer, were proved. It has been stated that thereafter, the Disciplinary Authority examined the findings and on consideration of all available materials, decided to inflict the punishment of dismissal on the said employee. A detailed chart containing a very long list of very long records of the said employee in the days of his workings under the Coal Board, and the actions as taken on them, have also been indicated in the written statement, which according to Sri Bandopadhyay, were duly taken into consideration, for inflicting the present punishment on the said employee.

9. While dealing with the allegations of the said employee, as in his written statement, the facts as above indicated as defence by the said employer apart from indicating that the Departmental Enquiries were initiated against the said employee and then, the Enquiry Officer as indicated earlier was appointed, who submitted two Reports. It has been denied that the said Enquiry Officer was appointed only in respect of the charge sheet dated June 19, 1987. It has also been indicated that the said Enquiry Officer was duly appointed by the competent authority and the allegation that the Report by him, On the grounds as alleged, were baseless and without jurisdiction. Any bias against the said employee by the officials or that he suffered due to official conspiracy has been denied. It has been stated that the conduct of the said employee would demolish his stand that he had no or little knowledge of English. In short, the said employer has stated that the dismissal in this case was due and such punishment was imposed after duly following the necessary norms.

10. The said employee, on September 10, 1990 filed a Rejoinder claiming the preliminary objections as raised,

to be baseless and whimsical, apart from practically reiterating the stand as taken by him in his original written statement.

11. The said employer sought to establish the case as pleaded through 6 witnesses and by Exhibit M-1 the Enquiry Officer Sri R. K. Sinha Roy, was appointed. He after narrating and mentioning the exhibits as produced before him, said that he was duly appointed as such Enquiry Officer, to enquire into the charges levelled against the said employee by Exhibit M-2 and such appointment was made by the letter dated July 7, 1987, Exhibit M-1. He further indicated that the charges were framed against the said employee, on the basis of a complaint Exhibit M-3 and to the said charge sheet, the said employee gave his reply by Exhibit M-4. It was his evidence that on being duly informed, the said employee participated in the enquiry proceedings and the proceedings were explained to him in Bengali, as he was not well conversant with English. The above facts, the said witness has stated, to have been recorded in the minutes, duly. It was also his evidence, being asked to the said employee, whether he intends to take the assistance of any co-worker, he declined. It was his further evidence that the said employee claimed that since he was a Scheduled Caste employee and was claiming preference, so he was falsely implicated in the charges, but he has not enquired such fact as the same was beyond his jurisdiction. He also testified to the statements made before him by MW-3 Sri Kundu and MW-2 Sri Chittaranjan Das. He denied that the enquiry as held by him, was purfuntory, as no reasonable opportunities were given to the said employee. MW-2, Sri Chittaranjan Das has said that he knew the said employee to be working as a Peon in the department as mentioned earlier and his duties were to bring out files and records and also to attend to the visitors. It was his evidence that on June 29, 1987, he went to the room of Sri A. R. Sen, which was adjacent to his room, for giving some instructions, when he was going there, he found the said employee to be standing and he complained that Sri Dinonath Chowdhury MW-6 had not served tea to him. This is the prelude to this dispute and for that, I have mentioned earlier that really the dispute in this case, arose for a storm over a cup of tea. However, it was the evidence of the witness that since the said employee had no work at that time, he requested him to go to the canteen and to have his tea and thereafter, when he was sitting in his chamber, after asking Sri A. R. Sen to come to him, the said employee entered his chamber, followed by the said Sri Sen and started shouting at the top of his voice and claimed, as the President of India has appointed him the Office Superintendent and the Management has not done anything in the matter, so he was dissatisfied and unfortunately, even inspite of the above fact, he was designated only as a Peon. The witness said that he informed the said employee that if he was aggrieved, he should talk to him later, but he was not designated as Office Superintendent. It was his evidence that after hearing such, the said employee started shouting and thumping the table and stated the fact that, he was a powerless fellow and if he beats him, he would be given a charge sheet and then, the truth will come out. I feel that such sayings by the said employee had no relevance to this case. It was his further evidence that on hearing such shouting, which was made in presence of Sri Sen, Sri N. G. Kundu MW-3 came there and then the said employee had left. It was his further evidence that on such happenings, he lodged a complaint, Exhibit M-3, to the General Manager concerned and on receipt of such complaint, the charge sheet Exhibit M-2 was issued. It was his further evidence that MW-1 was appointed the Enquiry Officer and since he was superannuated in course of the enquiry, he was reappointed for the same. He has agreed that Sri Dinonath Chowdhury, MW-6, was to serve tea and bring messages and used to call Officers, whenever asked and he was a general mazdoor. It was his evidence that it was not known to him, who appointed the said employee. He has of course said that the said employee was working in the office from 1983 i.e. before he came to the department. It was his evidence that the behaviour of the said employee was thought by him, to be abnormal. He denied the suggestion that MW-1 was not appointed as Enquiry Officer by proper authority or there was a conspiracy hatched by him, with Surbaser Kundu and Sen, to see that the said employee was ousted from Coal India, because he was Scheduled Caste. Admittedly, he has not lodged any information with the police, as he thought the offence was not so grave.

12. MW-3 Sri M. G. Kundu testified that on hearing shouting, he went to the Chamber of MW-2 and while entering,

he found the said employee to be behaving in the fashion as indicated earlier and was telling that he was not promoted by the Management, although such promotion was given to him by the President of India, as Office Superintendent and for that, he was accusing MW-2. He has also testified the other utterances by the said employee as indicated earlier and said that all present, tried to pacify him, but could not succeed immediately, but after persuasion, the said employee was taken out and at that time also, he was shouting. He has testified that the said employee has signed the proceeding Exhibit M-7 on July 28, 1987, but did not attend the same thereafter and such thing also happened on the 3rd day of enquiry, which was on August 12, 1987 and thereafter. It has been stated that on August 27, 1987, the said employee attended the enquiry and all the days he has attended, he has subscribed his signature. It was his evidence that as Management's representative, he was satisfied that the said employee was informed of the dates of hearing and he denied the suggestion that at the instance of MW-2, he has given false evidence before this Tribunal. He has of course agreed that on June 29, 1987, the said employee was agitated and according to him, was misbehaving and for that, he thought that he was not behaving normally. According to him, in terms of the Standing Order, or in case of subordination threat to as Officer and fraud, dismissal is a must. He denied the suggestion that he was in conspiracy against the said employee and to have him ousted from his office. MW-4 Sri R. L. Dhar has said that the enquiry report was marked to him, in his official capacity. At the time of deposition, he was posted as Chief Deputy Manager I. R. and he has stated that in terms of the Standing Orders, all the past service records of the said employee, were placed before the Authority. This witness has produced the past service records of the said employee which were collectively marked as Exhibit M-13. It was his evidence that the order sheets in this case, were maintained duly and all records were taken into consideration before the issue of the order of dismissal. It was his evidence that during the course of proceedings, he asked the said employee to amend his behaviour. He produced the service folder of the said employee, on being asked Xerox copy of those record have been produced and collectively marked as Exhibit M-14. It was his evidence that on being asked to follow the norms, the said employee stated that he does not care for such norms and he also stated that Peons are required to wear the dress supplied by Coal India with their emblem. He has also testified that the said employee approached him and stated that being a member of Coal India, he was entitled to promotion. He has said to have heard about the residential Order, but has not seen the same and MW-2 and 3 and so also himself, do not belong to Scheduled Caste. He denied the fact of hatching a conspiracy to see that the said employee was taken out of Coal India, as he was a Scheduled Caste. He has said that punishment imposed, was not severe and he approached the said employee in the manner as indicated on humanitarian grounds. He has also said he was not aware, if at present, such offer, as given to him, was still open and to have the said offer considered, the appropriate Authority should be approached and such Authority would be, the Director of Personnel. It was his evidence that it would appear from Exhibit M-13 that many other charge sheets were issued against the said employee and the enquiry report in respect of the charges dated June 26, 1985, has been issued after consideration. It was his evidence that MW-1, being a retired employee did not make the report, to satisfy the Authorities.

13. MW-5 Amiya Ranjan Sen has stated to be knowing the incident that happened on June 29, 1987 and he has narrated, regarding such happenings and in fact, he testified the truthfulness of the evidence of other witness. He has also said that the behaviour of the said employee was not normal and he was about to hit MW-2. It was his evidence that the said employee was a Peon but was claiming to be posted as Office Superintendent, in terms of the Presidential Order. He said that the said employee could sign in English, but he was not aware about his knowledge in English and he was also not aware, if he had made any representation to the President of India, for promotion or that President of India, has informed the said employee that the matter has been sent to the Appropriate Authority. He has also not seen the Presidential order, produced in the office. He denied the suggestion that the said employee was not guilty of the allegations as levelled. Deonath Chowdhury, MW-6, was employed as a Peon and as such, he was given the duties to be performed by a Peon. It was his evidence that while on duty,

he was required to serve with the dress supplied by the Authority, wherein the emblem of Coal India is shown. He was knowing the said employee, as he was working with him and there were 3 Peons in the Department. He has said that on the date of incident, he brought 12 to 14 cups of tea to the department and when tea was being served by him, the said employee entered the room of MW-5 and as there was a guest, a cup of tea was given to him and for that, there was a cup of tea short, as such, the same could not be served to the said employee. It was his evidence that he told that he will be bringing another cup for him and then the said employee told him to wait and see what happens, when he was in front of MW-5's Chamber, where MW-2 was waiting. He has of course no idea as to what happened inside the Chamber and on the date of incident, he was a general mazdoor and was promoted to the post of Peon, in 1989.

14. The said employee WW-1, was the only witness examined by the said employee and it was his evidence that he came to Coal India, on abolition of Coal Board and he has served for 27/28 years. He has said to have been employed as Peon in the Coal India and on the date of incident, he was present in the office and for some happenings on that date, he was charge sheeted. He has again alleged that he informed the authorities that although he was working for several years, he was not promoted and there was recommendations by the President of India and if required, he can produce such recommendation. It should be noted and as indicated earlier that no such recommendation has been produced. He has denied of any incident, for his refusal to serve water or that he had thumbed the table or tried to assault the superiors. He has said to have appeared only once in the enquiry, on being informed. He agreed to have signs Exhibit M-7 and said, that he can understand English to some extent. It should be noted that the number of the days, which he has mentioned to have attended the enquiry, were not duly made and it could be seen that he could sign in English. He has said without any doubt that if he is offered employment now, he can perform his duties normally and he has approached this Tribunal, for getting back his service. He has also said that even of the post of Peon is offered to him now, he would accept the same. He has agreed that Charge Sheet Exhibit M-2 was issued to him and to that, he gave his reply by Exhibit M-4 and after such reply, an Enquiry Officer was appointed and further he appeared before the said Officer. He has said of course that enquiry was held for one day and on July 27, 1987, before the Enquiry Officer. Although it was suggested that he signed in many places, but on a reference to Page 17 of Exhibit M-7, he claimed that, that was not his signature and so also the signature at Page 16. It was his evidence that on July 24, 1987, when he attended the enquiry, he was not informed about the next date of enquiry, as fixed on July 28, 1987. He denied any occurrence on the date of incident as indicated earlier. He has further indicated to have informed Coal India, about the Presidential Order, but has not filed his representation and the recommendations thereon by the President, before this Tribunal. But, has said that the same has been filed before the R.L.C. and he has not received back A/D card and for such non-receipt, he has not informed the Post Office. He has agreed to have received the order of dismissal dated April 21, 1988. It was also his evidence that the signature in Exhibit M-15 and in the proceedings dated August 17, 1987 were not his. He has said to have received the written statement of the said employer, as filed before this Tribunal and has said that the signature at the first page of such written statement was not his. That portion has been marked Exhibit M-17. He also denied his signature on the documents marked Exhibit M-18 and so also that in Exhibit M-19. On a plain look at the two short signatures in Exhibit M-18 and M-19, they appeared to be by the same hand and those signatures also tallied with the signature, showing acceptance in Exhibit M-17 and so also that in Exhibits M-15 and 16 and further, such short signature also tallied with the signature dated July 24, 1987 i.e. in the Enquiry Proceeding in Exhibit M-7.

15. The learned Advocate appearing for the said employee indicated that the enquiry as held by MW-1, was not in order, as he was not duly appointed. As such, he claimed that no reliance can be placed on his report, Exhibit M-12. It was further said that the said employee was not afforded due and reasonable opportunities to establish his case and from his service book, Exhibit M-14, no extraordinary circumstances would appear, for which the services of the said

employee could be determined in the manner, as done. It was claimed by the learned Advocate concerned that really, the said employee was acting on a misconception, regarding the Presidential order as indicated earlier, but he had to agree that there was no basis for such claim. In fact, such claim has not been duly established by any legal evidence. On the basis of the evidence as available, it will not also appear that because of such Presidential Order, the said employee was terminated by way of any conspiracy or that, because he belonged to Scheduled Caste. The agreement on such account and for that, the presence of the element of mensrea, as claimed, was also not proved and established. In fact, it has not been established on due evidence that there was any truth in those allegations, but on the other hand, on the basis of evidence as available, it appeared that there was no conspiracy hatched against the said employee, for reasons as alleged. On this point, Mr. Bandhopadhyay pointed out the evidence of MW-2, which was corroborated by MW-3, which according to him, should be looked into and considered. He indicated further, the charge sheet in this case, was duly drawn up and served on the said employee and from the proceedings as recorded, it would appear that the said employee had all, every and due opportunities to meet the case or in preparing his defence. In fact, instead of accepting the offer of the services of the defence helper, he did his case himself.

16. After consideration of the evidence and records, as produced, apart from what I have indicated earlier, it is very difficult to hold that in the proceedings, which ultimately culminated in the order of dismissal, the said employee did not receive due and ample opportunities and as such, it cannot be held that there was any dearth of following the principles of natural justice. One thing should be remembered here that the said employee, took a very peculiar stand in the matter, in not even admitting his admitted signatures as available in the records, particulars whereof have been mentioned earlier, I have mentioned such signature of the said employee, to be an admitted one, as such signature is available at the first page of the service copy of the written statement, which he received and to which, he has also filed his Rejoinder. It is unfortunate, even such signature, has been denied by the said employee. I do not find any justification, to agree with the submissions of Sri Bandhopadhyay, on non-maintainability of the order of Reference and for reasons as indicated. The Reference, according to me, was duly made and there was no illegality or any irregularity or any unauthorised or excessive use of power, in making the same. It should also be noted that Sri Bandhopadhyay strenuously argued that the said employer acted duly, in taking into consideration, the past service records and conduct of the said employee, in the matter of taking the present penal action against him. Although promised, Mr. Bandhopadhyay could not show any determination, in support of his contentions viz. that in a case like this, past service records of the delinquent employee can be taken into consideration. I feel, on the basis of the records as produced, such submissions could not be allowed in this case, as from the chart as filed by the said employer with the written statement, it will appear that for such acts or action or conduct, steps were taken on occasions more than once against the said employee and such steps included 'warning' and in some cases 'severe warning' and I feel that as such, no further action can be taken against the erring employee. Such severe warning or warnings, should be deemed and considered to be actions taken against the said employee and due condemnation of such actions, as after such punishment, he was allowed to continue in his office. If the said employee was really guilty of the charges as indicated in the earlier proceedings, instead of warning or severe warning, there was no bar for the said employer, to take further action. In fact, such action has not been taken. To me there was due condonation. It should further be noted that the said employee was hovering under the misconceptions as above and ultimately, he has realised his fault and for that, in fact, he unequivocally prayed that if he is employed as a Peon now, he will be willing to act in such post.

17. On evidence, I find that the said employee was guilty of the charges as levelled against him, as his conduct towards his superiors, was not appropriate and was contrary to office discipline. Even though I find that the said employee was guilty of the charges as levelled, I think, some benefit in the facts and circumstances of this case, may be given to him under section 11A of the said Act, which power, this Tribu-

nal has. When the punishment as imposed, has been upheld and the employee concerned is found guilty, applying these provisions of Section 11A of the said Act and considering the subsequent prayers as made, not only by the said employee, but also by his representative viz. his willingness to act as Peon, if ordered, I think the said employee, since it also appears from the records, is a very poor one and has to maintain to some extent a large family, should be allowed to join as Peon and that should be, after withholding his two increments, with cumulative effect. I make such order, as otherwise, I feel that without some punishment imposed, official discipline cannot be maintained.

18. Thus, the Reference is answered in the affirmative and to the extent as mentioned above.

19. This is my Award.

Dated, Calcutta,  
The 14th July, 1993.

MANASH NATH ROY, Presiding Officer

नई दिल्ली, 13 सितम्बर, 1993

का.आ. 2122—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीमेंट कॉर्पोरेशन आफ इंडिया के प्रावितंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चन्डीगढ़ के पंचपट को प्राप्तिः करती है, जो केन्द्रीय सरकार को 10-9-93 को प्राप्त हुआ था।

[सं. एन-29012/19/89—आई आर (विविध)]

बी. एम. डेविड, डैस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2122.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Cement Corp. of India Ltd., and their workmen, which was received by the Central Government on 10-9-93.

[No. L-29012/19/89-IR(Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Case No. I.D. 128/89.

Roshan Singh Vs. Cement Corporation of India.

For the workman.—Sh. B. R. Prabhakar.

For the management.—Sh. H. N. Mehtani.

#### AWARD

Central Govt. vide gazette notification No. L-29012/19/89-IR(Misc.) dated 9th August 1989 issued U/S 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of CCI Ltd., Charkhi Dadri in terminating the services of Sh. Roshan Singh, Ex-Casual Labour w.e.f. 16-1-88 is justified? If not, what relief the employee concerned is entitled to?”

2. Present case was fixed for the filling of affidavit by the workman, Mr. B. S. Prabhakar rep. of the petitioner has made a statement that he does not want to pursue with the present reference and same may be withdrawn and return to the Ministry.

In view of the statement made by the rep. of the workman the present reference is dismissed as withdrawn and returned to the Ministry.

Chandigarh, Camp Delhi.

6-8-1993.

ARVIND KUMAR, Presiding Officer.

नई दिल्ली, 13 सितंबर, 1993

का.आ. 2123—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोइरता माईका यूनिट के प्रबन्धसंतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण धनबाद संख्या-2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-93 को प्राप्त हुआ था।

[संख्या एल-28011/1/89-प्राई.आर. (विविधि)]  
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2123.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad-2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Koderma Mica Unit and their workmen, which was received by the Central Government on 10-9-93.

[No. L-28011/1/89-IR(Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 10 of 1989

PARTIES :

Employers in relation to the management of Koderma Mica Unit, M/s. S.M.D.C. Ltd., P.O. Koderma, Distt. Hazaribagh and their workmen.

APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Mica.

Dated, Dhanbad, the 30th August, 1993

#### AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of

the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication v/s their Order No. L-28011/89 I.R. (Misc.) dt. 28th April, 1989.

#### SCHEDULE

Whether the demand of the Mica Field Employees Union, Jhumaria on the management of 74-Bhoora Mica Mine and Panahya Mica Mine of M/s. Bihar State Mineral Development Corporation Ltd, Koderma, Dist. Hazaribagh for reinstatement of S/Sri Raghu Pd. Singh (2) S/tyendra Kr. Singh (3) Sheo Bachan Pd. (4) Tarak Nath Singh (5) B/nod Kumar Singh (6) Mukhdeo Singh (7) Kapildeo Pd. (8) Rajeshwari Pd. Singh and (9) Sechidanand Sharma and payment of their legal dues is justified. If yes, to what relief the workmen concerned are entitled ?"

2. This reference is pending in my file since 1989. In spite of several adjournment and notices given to the parties nobody appeared on behalf of the concerned workmen no. any W.S. was filed. From the record I find that notices to the President, Mica Field Employees Union, Jhumaria were sent under the registered cover twice. This shows that the workmen are not very much interested in pursuing the case and in the circumstances a 'no dispute award' is passed.

B. RAM, Presiding Officer.

नई दिल्ली, 13 सितंबर, 1993

का.आ. 2124—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वेष बैठ कार पिटारा के प्रत्यार्पि के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण व थम चारागढ़, चारोंगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-93 को प्राप्त हुआ था।

[संख्या एल-12011/7/88-डी III (ए)]

एस.एम. के. राम, डेस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2124.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 10-9-93.

[No. L-12011/7/88-D.III(A)]

S. S. K. RAO, Desk Officer.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 48/89

Balram & Others Vs. State Bank of Patiala.

For the workman.—None.

For the management.—Shri N. K. Zakhmi.

Central Govt. vide Gazette notification No. I-12011/7/88-D.III(A) dated 23-3-1989 issued U/s. 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication :—

"Whether the following categories of workmen who earlier worked in the State Bank of Patiala, are

eligible for consideration for appointment against future vacancies and if, so what should be the modalities for their consideration and appointment.

S. No.	Name of Workmen.	Designation.
1.	Balram	Peon
2.	Kuldeep Kumar	Peon
3.	Brij Lal	Peon
4.	Nabu Raj	Peon
5.	Rakesh Kumar	Peon
6.	Darshan Singh	Peon
7.	Balwant Singh	Peon
8.	Braham Dutt	Peon

2. The petitioner in the statement of claim namely Balram, Kuldeep Kumar, Rakesh Kumar, Darshan Singh, Balwant Singh and Braham Dutt stated to have worked with the respdt. management from 6-2-1985 to 9-8-1986, 10-12-1984 to 24-10-1986, 19-7-1976 to 24-6-1977, 23-6-1982 to 9-4-1984, 7-9-1983 to 4-12-1983 and 14-1-1983 to 12-4-1983 respectively. They do not claim any violation of Section 25-F of the Act. Their claim is for violation of Section 25-G and 25-H of I.D. Act 1947 on the ground that juniors and new hands are still in service and claimed action of the bank illegal, unjustified and against the canon of natural justice and has prayed for reinstatement with back wages.

3. The petitioners had not put up appearances despite registered notices. The management was asked to adduce evidence. The management had produced MW1 L. D. Gupta Manager State Bank of Patiala. He filed his affidavit Ex. M1.

4. I have gone through the evidence and record.

5. At the very outset the statement of claim filed by the petitioners is vague without any specific detail. It has no where shown their place of posting and the concerned branches. Not only this there is no statement of claim on behalf of Brij Lal and Nabu Raj whose names are mentioned in the term of reference. The names of the two persons Ishwar Dass and Nesh Raj find mentioned in the statement of claim but their names do not find mentioned in the term of reference.

5. The petitioner in their own showing in their statement of claim has not mentioned which of the juniors has been retained and who are the persons who have been appointed after their termination. On the contrary as evident from the evidence of the management Mr. L. D. Gupta in order to afford re-employment to all the temporary/ex-temporary peons, watchman-cum-peon, godown chowkidars etc. An opportunity has been given through leading newspapers and in response to that the persons who had applied for re-employment, they are interviewed and put on the penal. If that is so, then the management has not infringe any legal right of the petitioner which they want to get enforced through the present reference.

6. In view of the discussion made in the earlier paras, there is no merit in this reference and the same is dismissed and returned to the Ministry.

Chandigarh,

25-8-93.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 1993

का. आ. 2125 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व अपने न्यायालय, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-93 को प्राप्त हुआ था।

[संलग्न एल-12011/18/89 आई आर (बी-III)]  
एस.एस.के, राव, डैस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2125.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award of the Central Government Industrial Tribunal-Cum-Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 10-9-93.

[No. L-12011/18/89-IR(B-III)]

S. S. K. RAO, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Case No. I.D. 190/89

Rajinder Kumar Vs. State Bank of Patiala.

For the workman.—None.

For the management.—Sh. N. K. Zakhmi.

#### AWARD

Central Govt. vide Gazette notification No. L-12011/18/89-IR. (B.III) dated 7th November, 1989 issued U/S 10(1)(d) of the I.D. Act, 1947 referred the following dispute for this Tribunal for adjudication :

“Whether the management of State Bank of Patiala is liable to consider Sh. Rajinder Kumar, Ex-Peon for re-employment against future vacancies ? If so, in what manner.”

2. Despite registered notices the petitioner had not put up appearances. The management was asked to adduce their evidence vide order dated 4-6-1993. The management produced MW1 Shri L. D. Gupta Manager I.R. State Bank of Patiala. He filed his affidavit Ex. M1.

3. I have gone through the available evidence on the record. As evident the petitioner was engaged on two spells for the specific period in the year of 1983 and subsequently in the year 1987 and was disengaged after expiry of the said specified period. The petitioner does not complete 240 days. He only completed 114 days even if two spells are clubbed. Thus does not attract any violation of Section 25-F of the I.D. Act, 1947.

4. Further as evident from affidavit of MW1 in order to afford re-employment to all temporary/ex-temporary peons, watchman-cum-peon, godown chowkidars etc. they were informed in the Month of September, 1985 through leading newspapers vide circular No. Per/103 of 1985. The persons who had applied for the post of peon were also interviewed in February 1986 and were taken on the penal. Thus the management has also not infringed any legal right of the petitioner which he wants to get enforced through the present reference.

5. In view of the discussion made in the earlier paras, there is no merit in this reference and the same is dismissed and returned to the Ministry.

Chandigarh.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 1993

का.आ. 2126.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ पटियाला के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण व अम न्यायालय, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को १०-९-९३ को प्राप्त हुआ था।

[संख्या एल-१२०१/१/२०/८९ आई आर बी (III)]

एस.एस. के. राव, डैस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2126.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award of the Central Government Industrial Tribunal, Cum-Labour Court Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 10-9-93.

[No. L-12011/20/89-IR(B-III)]  
S. S. K. RAO, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Case No. I.D. 39/90

Karnail Singh & Others Vs. State Bank of Patiala

For the workman.—None.

For the management.—Sh. N. K. Zakhmi.

#### AWARD

Central Govt. vide gazettee notification No. L-12012/20/89-IR(B-III) dated 22-3-1990 issued U/S 10 (J)(d) of the I.D. Act 1947 referred the following dispute to th's Tr bunal for adjudication :—

“Whether the action of the State Bank of Patiala, in terminating the services of the under mentioned three workmen and then not considering them for re-employment in the bank was justified ? If not, to what relief the workmen are entitled to ?”

S. No. Name of the workman Dscg. Date of termination

1. Karnail Singh	Godown Chowkidar	1-3-87
2. Kuldeep Sharma	Godown Chowkidar	21-1-87
3. Prahlad Chander	Godown Chowkidar	28-3-83
4. Rajwant Singh	Godown Chowkidar	21-4-84.

2. In the statement of claim Karnail Singh, Kuldeep Sharma, Prahlad Chander and Rajwant Singh godown chowkidar claimed to have worked with the respdt. management for 199 days from 16-1-1984 to 28-2-1987, for 175 days from 7-10-1982 to 19-1-1987, 73 days from 1-1-1983 to 27-3-1983 and 89 days from 23-1-1984 to 20-4-1984 respectively. They do not claim any violation of Section 25-F of the Act but claim violation of Section 25G and H of the I.D. Act for having juniors retained and new hands were appointed after their termination which has been done in illegal manner and prayed for reinstatement with continuity and with full back wages.

3. After filing the statement of claim the petitioner had not put up appearance despite numerous registered notices were sent. The management was asked to adduce their evidence. The management produced MWI L. D. Gupta Manager State Bank of Patiala. He filed his affidavit Ex. M and states that no junior to the petitioner have been retained in service.

4. I have gone through the available evidence on the record.

5. The petitioners do not allege violation of Section 25-F of the I.D. Act. As apparent from the terms of employ-

ment and the number of days put in it shows that they were appointed for specific period and after expiry of specified period they were disengaged. Their only claim is for violation of Section 25-G and H of the I.D. Act. In their own showing in the statement of claim no names of the said juniors have been mentioned to whom the management has retained in violation of Section 25-G or the names of those persons who have been re-employed after their termination for violation of Section 25-H. The management's witness L. D. Gupta MWI has stated in his examination-in-chief that no junior to the petitioners have been retained in the service establishes that the management has not violated the provision of Section 25-G of the I.D. Act.

6. In relation to the provision of Section 25-H as said above there is no indication in the statement of claim which of the new hands have been appointed after their termination. Requirement of law as provided under Section 25-H is to give an opportunity to the retrenched in employment which the management has shown to have complied as apparent from para 5 of the affidavit Ex. M1 of L.D. Gupta MWI which stipulated that opportunity of re-employment was given by the bank to all its temporary peons, godown-cum-chowkidar, etc. through leading newspapers and in reponse to that they applied for re-employment. They were interviewed and put on the panel. In the said situation the management can not stated to have violated the provisions of Section 25-H in the circumstances of the case.

7. In view of the discussion made in the earlier paras there is no merit in this reference and same is dismissed and returned to the Ministry.

Chandigarh,

25-8-93.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 1993

का. अ. 2127 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंग ब्राफ इंडिया ला के प्रबन्धतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, व अम न्यायालय, चण्डीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को १०-९-९३ को प्राप्त हुआ था।

[संख्या एल-१२०१२/२६२/४०-आई आर (बी III)]

एस.एस. के. राव, डैस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2127.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Patiala and their workmen, which was received by the Central Government on 10-9-93.

[No. L-12012/262/90-IR(B-III)]

S. S. K. RAO, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 19/91

Mohinder Kumar

Vs. State Bank of Patiala

For the workman : None.

For the management : Sh. N. K. Zakhmi.

## AWARD

Central Govt. vide Gazette Notification No. L-12012/262/90-IR (B-II) dated 8-2-1991 issued U/S 10(1)(d) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the General Manager (Operations) State Bank of Patiala in terminating the service of Shri Mohinder Kumar S/o Shri Om Prakash, Godown Chowkidar w.e.f. 3-7-1986 is justified ? If not, to what relief the workman is entitled to ?"

2. Brief facts as alleged by the petitioner in the Statement of claim that he remained employed with the respondent management as godown chowkidar/peon at Jaitu for two spells from 6-2-84 to 4-5-84 and 14-3-86 to 3-7-86 when his services were terminated w.e.f. 4-7-86 without any notice, charge sheet, enquiry or compensation. He has alleged that the action of the employer is violative of Sastri Award and B.P. Settlement & also violative of Section 25-F, 25-G and H as no retrenchment compensation was paid, junior to the petitioner were retained and new hands are appointed and thus has sought reinstatement with continuity of service with back wages.

3. Preliminary objection in the written statement of the management, the plea has been taken that the petitioner has been offered fresh appointment w.e.f. 31-3-1992 as peon/Farash and confirmed w.e.f. 30-9-1992 and thus the present reference is infelicitous. The management has denied any violation of Section 25-F, G and H of the I. D. Act. Their plea on the merit is that he worked for 85 days from 6-2-1984 to 4-5-1984 and 107 days in the subsequent spell from 14-3-1986 to 3-7-1986 and he thus not completed 240 days in the preceding 12 months. Thus there is no violation of Section 25-F. Further plea of the management that in order to afford an opportunity the management had invited applications from all the ex-temporary employees. The petitioner was taken into service w.e.f. 31-3-1992. Other contentions were denied and prayed for the dismissal of this reference.

6. Numerous registered notices were sent to the petitioner but he did not appear. The management was asked to lead evidence. The management produced MWI I.D. Gupta. He filed his affidavit Ex. M1 and states that no junior to the petitioner has been retained in the service.

## 5. I have gone through the evidence and record.

6. Admittedly the petitioner had worked with the respdt. Management for two spells for 85 days from 6-2-1984 to 4-5-1984 and for 107 days from 14-3-1986 to 3-7-1986 in the second spell. Thus he has not completed 240 days preceding 12 months from the date of his alleged termination. Even if both spells are clubbed the number of days the petitioner had worked for 192 days. Therefore, there is no violation of Section 25-F of I.D. Act 1947 on account of non-payment of retrenchment compensation.

7. In relation to the violation of Section 25-G in his own showing in the statement of claim, the petitioner has not disclosed which of his juniors were retained. Evidence of the management also states that no junior have been retained and the management has not violated the provision of Section 25-C of the I.D. Act. The petitioner should have no grievance against the respdt. management in relation to Section 25-H as he himself has been offered employed by the management w.e.f. 31-3-1992 as peon/farash on which he is duly confirmed w.e.f. 30-9-1992. This was done by the respondent management to accommodate all the ex-temporary employee. He thus can not claim any violation of Section 25-H of the I.D. Act. Even otherwise in his own showing the statement of claim is silent with regard to the persons who has been appointed after his termination in violation of Section 25-H.

8. In view of the discussion made in the earlier paras, there is no merit in this reference and the same is dismissed and returned to the Ministry.

Chandigarh.

25-8-93

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 20 अक्टूबर, 1993

का.आ. 2120—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधालं के संभूत नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-9-93 को प्राप्त हुआ था।

[संख्या एल-12012/191/91 आई.आर. (वी III)]

एस.एस. के. राव, डैस्ट्रिक्ट अधिकारी

New Delhi, the 20th September, 1993

S.O. 2128.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 16-9-1993.

[No. L-12012/191/91-IR (B-III)]

S. S. K. RAO, Desk Officer

## ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 107/91

In the matter of dispute between :

Shri V. K. Talwar,  
through Mahasachiv,  
State Bank of India Staff Association,  
33-34, Bank Enclave, King Road, Rajouri Garden,  
New Delhi-110027.

## Versus

The Deputy Manager,  
State Bank of India,  
Zonal Office,  
11, Parliament Street,  
New Delhi-110001.

## APPEARANCES :

Shri J. N. Kapoor—for the workman.

Shri S. M. Kapoor—for the Management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. I-12012/191/91-I.R.(B-3) dated 19-9-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management is justified in dismissing the services of Shri V. K. Talwar w.e.f. 3-6-89. If not to what relief the workman is entitled to ?"

2. The workman in his statement of claim alleged that he joined the services of the erstwhile National Bank of Lahore on 19th August, 1968 and subsequently the said Bank was merged with State Bank of India and his services were also transferred to the said bank. He worked at various offices of the management and his work and conduct had been found excellent throughout. In September, 1988 he was transferred

from Najafgarh Road, New Delhi under 5-Years Transfer Policy where he joined his duty. The then Branch Manager was not maintaining good relations with the workman and he was therefore being harassed by the Bank. On 16-11-1988 the workman felt sick and thereafter could not attend the office for several months but was regularly sending his application for leave duly supported by medical certificate issued by the bank medical officer. After long sickness he reported for duty on 1-9-89 and requested the then Branch Manager to release his salary and other benefits for leave period since he was in need of funds for his treatment. The then Branch Manager did not allow the workman to join duty and asked him to report for duty after 3-4 days. He again reported for duty on 5th September, 1989 but was not allowed, and was told that his services had been terminated by the bank and further instructed him to deposit one month's wages and allowances in lieu of notice as according to the bank he had not given any notice of the termination of the contract of his employment. The workman had not terminated the contract nor was he willing to leave the job but on the contrary the management had dismissed the workman under the garb of voluntary vacation. It was a case of illegal dismissal. The action of the management was illegal and arbitrary.

3. The matter of his termination was taken up by the Union and when a notice was sent to the Regional Manager the Regional Manager replied that they have taken up the matter with the Naraina Branch and shall revert to the subject after hearing from them. The Management thereafter did not take any action. The workman has been active Trade Union worker and the management has always been on the look out for an opportunity to victimise the workman. The order of termination passed against the workman was illegal and liable to be set aside. The workman was entitled to reinstatement in service with full back wages, continuity of service and further benefits which could have been admissible to him had the illegal order of termination not been passed is against him.

4. The Management in its written statement alleged that the workman was estopped by his act and conduct to raise the present dispute because he has concocted a story to get his reinstatement. He had voluntarily abandoned his services in terms of para 16 of the Bipartite Settlement dated 17-9-84 the terms of which have been fully complied with by the management. He was unauthorisedly absent for a period of more than 90 days without any leave to his credit. He absented without any leave or medical certificate and he did not submit any application when he was called upon to join the duty within 30 days vide order dated 2-5-89. Hence he was not entitled to any relief.

5. The Management in support of its evidence examined Shri P. K. Malhotra MW1 while the workman himself appeared as WW1 in support of his case.

6. I have heard representatives for the parties and have gone through the record.

7. Shri S. M. Kapoor appeared on behalf of the management did not argue anything before this Tribunal except that whatever they were to say has been mentioned in the written statement and the affidavit of the management. Evidence and the written statement disclose that no application for leave was ever given by the workman and he did not report for duty despite of 30 days notice given to him according to provisions of the Sastry Award. Since he was required to report for duty within 30 days of the said notice dated 2nd May, 1989 his post automatically fell vacant after 30 days and he was deemed to have voluntary retired from service on the expiry of the said notice. The representative for the workman on the other hand has urged that the workman had fallen sick and could not attend the duties and he had sent leave applications alongwith medical certificates to the management. He has further referred to the medical certificate dated 17-11-88 showing that the workman was sick and recommended rest from 14-11-88 to 31-12-88. There is another certificate dated 1-1-89 recommending rest from 1-1-89 to 31-3-89 with the postal certificate for sending the same to the S.B.I. Naraina Branch. The other certificate is dated 1-4-89 recommending rest from 1-4-89 to 31-7-89 which too was sent by U.P.C. The other medical certificate was upto 30-9-89 which too was sent under U.P.C. Representa-

tive for the workman has thus urged that all these certificates have been placed on record and have been duly testified by the workman in his affidavit and statement in the court but he was not at all cross-examined by the management representative though opportunity was afforded to him. This evidence, therefore, was unchallenged and unquestionable and has to be treated as proved. The Management has not been able to show the justification of the termination of the services of the workman in any manner.

8. On careful perusal of the points urged by the management and the representative for the workman I am of the opinion that the management has not been able to establish its case and justify the termination of the services of the workman. The provisions contained in the Sastry Award in para 522 are as follows :—

"(I) The employee has not submitted any leave application.

(II) The employee has absented himself from work for a period of 90 or more consecutive days without or beyond any leave to his credit.

(III) The Management may give notice to the employee to report for duty within 30 days".

This provision shows that the employee has not submitted any leave application and has absented himself from work for a period of 90 days or more consecutive days without or beyond any leave to his credit. In that situation the management was to give a notice to the employee to report for duty within 30 days but the management, however, on the bases of this gave a notice dated 2-5-89. The management took this action after the expiry of much more than 90 days i.e. 2-5-89 while he remained unauthorisedly absent from 16-11-88. This notice of 30 days according to my opinion is a biased one and presumes that the workman would not appear or report for duty within 30 days of the said notice. The workman has been asked by this notice to pay one month pay and allowances within 15 days of the receipt of this notice failing which the management will be constrained to set off the same against his terminal dues and any other amount payable to him without prejudice. Vide this very note the management is asking the workman to report for duty within 30 days of the receipt of this notice and to the great contradiction they are asking him to deposit one month pay and allowances within 15 days of the receipt of this notice if the workman chooses not to report for duty. He has an option to do so within 30 days from the receipt of this notice but the 3rd para of this notice require him to deposit one month wages and allowances within 15 days of the receipt of this notice that means before 15 days before the expiry of 30 days notice. He was required to pay the wages as well as the allowances inspite of the option left with him whether to report for duty or not within 30 days of the receipt of this notice. This is a contradictory notice and no order thereafter has been passed by the management stating that his services stood terminated because of his voluntary abandonment for his not having reported for duty. There is no order on this record which could in any way show that after the said notice any such order was passed or communicated to the workman. This notice was of self contradictory notice and cannot be the basis on which there could be any justification of the action of the management.

9. Moreover, in the evidence adduced by the parties the workman who made statement on oath regarding his having sent the medical certificate under postal certificate no cross-examination was conducted on him. Not even the suggestion was given to him that he did not send any such certificate or that he had not fallen sick. No enquiry was conducted nor any opportunity to the workman to explain his absence from duty was over reported to him by the management. The unchallenged and unquestioned testimony of the workman cannot be ignored in view of the fact that the notice issued to the workman which was contradictory in its very nature could not justify the act of the management. The management has not been able to justify its action and it appears that the management itself was not satisfied with this action and they had been trying to settle the

dispute with the workman. On 1-12-92 the management representative wanted time for settlement of the dispute and thereafter on 11-1-93 it again wanted time for settlement, on 23-1-93 again request for settlement was made by the management and on 17-5-93 again there was a settlement discussion and a letter from A.G.M. was given in the court but no settlement was ever arrived at. Even on 17-8-93 again a written request for adjournment made for having a settlement with the workman. This aspect of action of the management as discussed above was in no way justified and the management has terminated the services of the workman without any justification. I, therefore, order that the termination being illegal is set aside. The workman is reinstated in service with full back wages, Continuity of service and other benefits which he would have got had this illegal order of termination not been passed. It is a fit case in which costs be also imposed on the management. I, therefore, order the management to pay Rs. 2000/- as costs of this dispute to the workman.

GANPATI SHARMA, Presiding Officer  
6th September, 93

नई दिल्ली, 13, सितम्बर 1993

का.आ. 2129.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उक्त अधिनियम की धारा 33क के अंतर्गत लैक आफ इंडिया के प्रबन्धन के विरुद्ध श्री वी. के. सरीन हारा दायर पक्का प्रार्थना पत्र के मंदिर में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो कि केन्द्रीय सरकार को 10-9-1993 को प्राप्त हुआ।

[संख्या एल-12025/07/93-आईट्री-बी-II]  
वी.के. वेणुगोपालन, डैस्क अधिकारी

New Delhi, the 13th September, 1993

S.O. 2129.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh in respect of a complaint u/s 33-A of the said Act filed by Shri B. K. Sareen against the management of Bank of India which was received by the Central Government on the 10-9-1993.

[No. L-12025/7/93-IR B II]  
V. K. VENUGOPALAN, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH.

Case No. I. D. 40189

Complaint U/S 33-A of the I.D. Act 1947.

B. K. Sareen Vs. Bank of India

For the workman : None.

For the management : Shri Ramesh Kumar.

#### AWARD

The present one is complaint U/S 33-A of the I.D. Act 1947 pending adjudication. None appeared on behalf of the petitioner nor petitioner put up appearance. Case called

repeatedly. Present complaint is dismissed in default. Ministry be informed. File be consigned to record.

Chandigarh.  
11-3-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 15 सितम्बर, 1993

का.आ. 2130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 13) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेन्ट्रल बैंक आफ इंडिया के प्रबन्धनकाल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-1993 को प्राप्त हुआ था।

[संख्या एल-12012/328/88 बी-2(ए)]  
वी.के. वेणुगोपालन, डैस्क अधिकारी

New Delhi, the 15th September, 1993

S.O. 2130.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 14-9-1993.

[No. L-12012/328/88-D. II-A]  
V. K. VENUGOPALAN, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT  
HYDERABAD

#### PRESENT :

Sri Y. Venkatachalam, M.A., B.L.,  
Industrial Tribunal-I.

Dated : 1st day of September, 1993  
Industrial Dispute No. 40 of 1991

#### BETWEEN

Sri D. Anjaiah, C/o B. Lakshmaiah,  
H. No. 1-72, Bandlaguda Village,  
Rajendranagar Mandal,  
Ranga Reddy District.

— Petitioner.

#### AND

The Zonal Manager,  
Central Bank of India,  
Bank Street, Hyderabad.

— Respondent.

#### APPEARANCES :

M/s. A. K. Jaya Prakash Rao, V. Narsimha Goud and  
K. Srinivasa Rao, Advocates for the Petitioner.

Sri L. P. R. Vittal, Advocate for Respondent.

#### AWARD

The Government of India, Ministry of Labour, by its Order No. L-12012/328/88-DII(A) dt. 27-6-1991 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employer in relation to the Management of Central Bank of India, Hyderabad and their workmen to this Tribunal for adjudication :

"Whether the action of the management of Central Bank of India, Hyderabad in not giving permanent appointment to Sh. D. Anjaiah is justified ?

If not, to what relief the workman concerned is entitled to?"

This reference was registered as Industrial Dispute No. 40 of 1991 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner workman read as follows: The Petitioner submits that he was appointed as a temporary Watchman-cum-Peon in the Respondent Bank on 16-10-1974 and worked continuously till 19-5-1975. That the Respondent abruptly and illegally terminated the petitioner's services with effect from 19-5-1975 without assigning any reasons. The action of the respondent in terminating the services of the petitioner is illegal, contrary to law and in violation of principles of natural justice. The petitioner submits that the nature of duties which he was discharging during the period of his employment with the respondent is of a regular nature of work and there is no post of temporary watchman-cum-peon in the Respondent bank as the Respondent Bank has to engage Watchman-cum-Peon only on permanent basis. The petitioner submits engagement of temporary employees for a fixed period and giving artificial breaks in their service by the Respondent Bank is only an act of victimisation and unfair labour practice. The petitioner submits while terminating his services, the Respondent Bank has retained several juniors in service and that apart after termination of his services several fresh candidates were appointed ignoring the claim of the petitioner. The action of the Respondent is in violation of Section 25-H of the I.D. Act and also in violation of Rule 77 and 78 of the I.D. Rules. The petitioner submits that he was appointed in a clear vacancy but not in the leave vacancy and the Respondent Bank also not even paid 14 days wages nor given any advance notice. Even as per the provisions of Bi-partite settlement, Sastry award and Desai Award the Respondent bank has to regularise the services of the temporary employees. The petitioner submits in his case the respondent bank has violated all the norms laid down by the said settlement, Sastry Award and the Desai Award. The Respondent bank did not publish or maintain seniority list of temporary sub-staff and while terminating the services of the petitioner no such list was published. It is mandatory on the part of the respondent bank to publish the seniority list of temporary employees under Rule 77 of the I.D. Act and also give notice/intimation of vacancies for being employed as required under Section 25-H of the I.D. Act, read with Rules 78 of the I.D. Act, 1947. The petitioner submits that after termination of his services several employees were appointed by the Respondent Bank in sub-staff cadre and petitioner was not called for any interview nor he was given any notice. The petitioner, therefore submits the Respondent bank did not comply with the mandatory requirements of Section 25-H read with Rules 77 and 78 of I.D. Act, 1947. The petitioner submits that the Respondent Bank has entered into the settlement with the Union only to accommodate their own people and thereby deprived the benefits to the petitioner. That his services were terminated in the year 1975 and subsequently the Respondent Bank has appointed several persons on temporary basis and the said benefit was extended to such of those employees, whose services were terminated earlier but the said benefit was not extended to the petitioner and subsequently their services were regularised. The petitioner submits the action of the respondent amounts to retrenchment and non-compliance of the provisions of Section 25-F, 25-G and 25-H of the I.D. Act vitiated the orders of termination. The petitioner submits that he along with other employees filed W.P. No. 4482/82 and the Hon'ble High Court of A.P. have allowed the said writ petition by a judgement dt. 17-2-1986 directing the Respondent to follow the mandatory Rules 77 and 78 of I.D. Act. The petitioner submits thereafter the respondent has preferred a Writ Appeal No. 791/86 and the said Writ Appeal was dismissed by a judgement dt. 28-11-1986. The petitioner submits that he was prosecuting his case from time to time and when all his efforts are in vain the petitioner moved the conciliation officer and the Government of India have referred the dispute for adjudication. The petitioner submits while terminating his services the Respondent retained several juniors in service and also regularised their services. The petitioner is also entitled for regular appointment on par with his colleagues whose services are regularised. The petitioner prays that this Hon'ble Court may set aside the orders of termination passed by the respondent and grant him the relief of reinstatement into

service with continuity of service, full back wages and all other attendant benefits.

3. The brief facts of the counter filed by the Respondent Bank read as follows:—The petitioner was appointed as temporary watchman-cum-peon in the Bank on 16-10-1974 and worked continuously till 19-5-1975, that he was abruptly terminated with effect from 19-5-1975 that the termination of the petitioner's service is illegal, contrary to law etc. are incorrect. The petitioner was neither in the continuous service within the meaning of Section 25-B of the I.D. Act nor was illegally terminated on 19-5-75. The petitioner was appointed in temporary vacancies from time to time for specific periods and he ceased to be in service after the expiry of the period of such employment. The last employment order issued to the petitioner stipulated the period of employment upto 19-5-1975 and consequently, the petitioner ceased to be in employment on 19-5-1975. That he was discharging duties which are of regular nature and there were no posts of temporary watchman-cum-peons in the Bank and that the Bank has to engage watchman-cum-peons only on permanent basis are not correct. The further averment that appointment for fixed periods amounts to act of victimisation and unfair labour practice is in correct. The petitioner did not work for 240 days during the 12 months preceding the last day of his employment so as to claim continuous service within the meaning of Section 25-B of I.D. Act. The Bank (Respondent) has retained several juniors in service and that several fresh candidates were appointed ignoring the alleged claims of the petitioner are incorrect and untenable. That the petitioner was appointed in a clear vacancy and not in leave vacancy are false. The petitioner only worked for short periods in leave vacancies on temporary basis. It is not correct to state that the bank has to regularise the services of such temporary employees as per Bi-partite Settlement, Sastry Award or Desai Award. Having regard to the nature of the appointment held by the petitioner there was no scope to claim any seniority by the petitioner. That there was no violation of either Rule 77 of I.D. Rules. The allegation that the Respondent entered into settlement with the Union which is detrimental to the interests of the employees who had worked prior to 1982, that the said settlement was entered into only to accommodate the Respondent's own people etc. are false. The allegation that the Respondent appointed several employees on temporary basis subsequent to 1975 and that they were regularised ignoring the alleged claims of the petitioner are not correct. It is true that W.P. No. 4482/82 was filed against the Respondent and that Writ Appeal No. 791/86 was filed against the judgement of learned single judge. The directions in judgement in W.P.No. 4482/82 were substantially modified by the Division Bench. The Respondent has preferred appeal to Hon'ble Supreme Court and the same is pending. It is false to aver that the alleged juniors of the petitioner were regularised. The petitioner is not entitled for regular appointment. There are no merits in the petition and it deserves to be dismissed.

4. WW-1 was examined on behalf of the Petitioner-workman and marked Exs. W1 on its side. On the other hand M.W. 1 was examined on behalf of the Respondent-Bank and Exs. M1 to M16 were marked.

5. The point for adjudication is whether the action of the Management of Central Bank of India, Hyderabad in not giving permanent appointment to Sh. D. Anjaiah ?

6. W.W. 1 is D. Anjaiah, the Petitioner-workman himself. He deposed that he is the concerned workman and the petitioner. He was appointed as Peon-cum-Watchman in the Respondent on 16-10-1974 on temporary basis. He worked till 19-5-1975 continuously. He was terminated from service by the Respondent on 19-5-1975 after office hours as per the order dt. 19-5-1975. Before his termination from service the Respondent Bank did not issue one month's notice, nor did it pay one month's salary in lieu of not issuing one month notice and the management did not pay him any retrenchment compensation at the time of terminating him from service. After terminating his service, some other new candidates were appointed in the same post and they are juniors to him. Those new candidates were appointed after conducting test and interview and it was regular appointment. The Respondent-Bank authorities did not ask him to make

application for regular appointment for selection of these posts and he was not given any opportunity for re-employment as a candidate for regular selection. As he was not informed by the Respondent Bank he could not submit an application offering himself as a candidate for this post in the regular selection called for. The Watchman-cum-peon post is a permanent post. The Watchman-cum-peon post is day to day activities of the Bank. After his termination, several employers are appointed in the Bank in the cadre of sub-staff. The management and Union entered a settlement regarding the appointment of employees of their own choice, and he was not given any opportunity to regularise his services in the Bank. Therefore this action of the Management is discrimination in nature. He is unemployed. He prays this Hon'ble Tribunal to reinstate him into service, with continuity of his service and full back wages.

7. M.W.1 is Despande N. Rao. He deposed that he is working as Chief Officer in Respondent-Bank. The petitioner worked as a Peon in Pakala Branch, Chittoor District. He worked on temporary basis from 16-10-1974 to 19-5-1975. He worked intermittently during that period. He worked for 211 days. Exs. M1 to M15 are the zerox copies of the vouchers relating to the payment of salary to the petitioner. Ex. M16 is the zerox copy of extract showing the actual number of days worked by the petitioner.

8. The contention of the petitioner is that the nature of duties which the petitioner was discharging during the period of the petitioner's employment with the Respondent is of a regular nature there is no post of temporary Watchman-cum-peon in the Respondent and the Respondent has engaged Watchman-cum-Peon on permanent basis, that the Respondent has retained several juniors in service and fresh candidates were recruited ignoring the claim of the petitioner, that the petitioner was appointed in a clear vacancy but not in leave vacancy, 14 days wages nor advance notice was given, that the Respondent has violated all the norms laid down by the said Settlement, Sastry Award and the Desai Award which the Respondent has to regularise the services of the temporary employees, and hence the Respondent has violated Section 25-H of the I.D. Act and also Rules 77 and 78 of I.D. Rules.

9. The contention of the Respondent on the other hand that the allegation that the action of the Respondent is an act of victimisation and unfair labour practice is untenable, that the petitioner was appointed in temporary vacancies from time to time for specific periods and he ceased to be in service after the expiry of the period of such employment, that the petitioner was discharging duties which are of regular nature and that the Bank has to engage watchman-cum-peon only on permanent basis are not correct, that the Respondent has retained several juniors in service and that several fresh candidates were appointed ignoring the alleged claim of the petitioner are in correct, that it is not correct to state that the Bank has to regularise the services of such temporary employees as per Bi-partite settlement, Sastry Award or Desai Award. The allegations made in para 7 of the claim statement that the Respondent appointed several employees on temporary basis subsequent to 1975 and that they were regularised ignoring the alleged claims of the petitioner are not correct and they are denied, and lastly it is contended that it is false to ever that the alleged juniors of the petitioner were regularised, the petition is not entitled for regular appointment and that the petitioner is not entitled to either reinstatement or continuity of service or payment of full back wages.

10. At the very outset I would like to mention that the Petitioner was appointed as Watchman-cum-Peon in the Respondent on 16-10-1974 and he was abruptly terminated from service on 19-5-1975 without issuing one month's notice or did the Respondent pay one month's salary in lieu of not issuing one month notice and also did not pay the petitioner any retrenchment compensation at the time of the petitioner's termination. This is the case where the Petitioner's services are terminated without giving any opportunity in order to accommodate the Branch Manager's own candidates, a settlement was arrived between the Management and the Union. The same is arbitrary while effecting the said termination and no opportunity was given to the Petitioner. In support of the Petitioner's case, strong reliance was placed in Supreme

Court decision held in the case of STATE OF HARYANA v. PIRA SINGH (1992 L. & J.C. page 2168 in para 25 in page 2189) which read as follows :

"Secondly, an ad hoc or temporary employee should not be replaced by another ad hoc or temporary employee; he must be replaced only by a regularly selected employee. This is necessary to avoid arbitrary action on the part of the appointing authority."

To the above decision, the evidence of M.W.1 in cross, who is the Chief Officer in the Respondent Bank stated that Ex. W1 speaks that the services of the petitioner were terminated only to accommodate another person who is the one of Staff Member. It is also in the evidence of W.W.1 in chief he stated that after terminating of his services some other new candidates were appointed in the same post and they were juniors to him. Thus I find that the Respondent has discriminated the Petitioner in not giving an opportunity to the terminated workman for re-employment, and appointing their own people of the Respondent Bank. Thus it is very clear that the Respondent Bank has violated Section 25-H read with Rules 77 and 78 of the I.D. Act. The orders passed by the Respondent Bank in terminating the Petitioner is set aside and the Petitioner is entitled to the relief of reinstatement.

11. In the result, the action of the Management of Central Bank of India, Hyderabad in not giving permanent appointment to Shri D. Anjaiah is not justified. The Petitioner is entitled to the relief of reinstatement into service with continuity of service and all other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 1st day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-1

#### Appendix of Evidence

Witnesses Examined on behalf of Petitioner—  
Workman :

W.W.1 D. Anjaiah.

M.W.1 Despande N. Rao

Documents marked for the Petitioner-Workman :

Ex. W1/19-5-75—Photostat copy of the termination order issued by the Divisional Manager, Hyderabad to Mr. D. Anjaiah, Temporary Watchman.

Documents marked for the Respondent/Management :

Ex. M1 to M15—Xerox copies of vouchers relating to the payment of salary to the Petitioner/Workman.

Ex. M16—Xerox copy of extract showing the actual number of days worked by the Petitioner/Workman.

नई दिल्ली, 16 सितम्बर, 1993

का.आ 2131.—श्रीदीगिक विद्याद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमति में, केन्द्रीय सरकार, वैक आफ चंडिया के प्रबन्धसंच के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदीगिक विद्याद के केन्द्रीय सरकार श्रीदीगिक अधिकारण नं. 1, मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-1993 को प्राप्त हुआ था।

[संख्या एल-12012/478/90 आई आ०बी-2]

दी.के. वेंगोपाल देवा प्रधिकारी

New Delhi, the 16th September, 1993

S.O. 2131.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 15-9-1993.

[No. L-12012/478/90-IR (B-II)]  
V. K. VENUGOPALAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

##### PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.  
Reference No. CGIT-1/58 of 1991

##### PARTIES :

Employers in relation to the management of Bank of India.

AND

Their workmen.

##### APPEARANCES :

For the Management : No appearance.

For the Workman : Shri Sahasrabudde, representative.

INDUSTRY : Banking.

STATE : Maharashtra.

Camp : Nagpur.

Nagpur, dated the 18th day of August, 1993

#### AWARD

The following reference has been made by the Government of India, Ministry of Labour, New Delhi, by order dated 12th July, 1991 :

"Whether the action of the management of Bank of India in imposing the penalty of stoppage of 4 increments with cumulative effect on Shri C. U. Sonbarse, Sepoy is justified? If not, to what relief is the workman entitled?"

2. On behalf of the workman, statement of claim has been filed by the General Secretary, Bank of India Staff Union. It has been contended therein that the Departmental Enquiry was not conducted as per the provisions of law, and a fair and reasonable opportunity was not given to the delinquent to put forward his case before the Enquiry Officer. His request for engaging a lawyer was rejected by the Management. It is stated that the employee was belonging to Class-IV category and was defence-less and therefore, the management should have considered his request favourably.

3. It is further stated that none of the charges levelled against him was established in the Enquiry proceedings, and that the punishment of stoppage of 4 increments in the scale permanently was imposed on him. It is then contended that this order would cause loss of about a Lakh of Rupees in his service. He has also stated that the repeated complaints referred to, were fabricated by the local management of the Gandhibaugh Branch. The staff members of the Branch were either instigated or induced by the local management to make written complaints against the delinquent. It is further contended that the punishment imposed is very much on the higher side, and prayed for intervention.

4. On behalf of the management, written statement has been filed. It is stated therein that Shri Sonbarase the workman concerned was working at the Gandhibaugh Branch of the Bank of India, at Nagpur at the relevant time and he was charge-sheeted for 'misconduct'. He was given a fair and reasonable opportunity to defend himself. The findings of the Enquiry Officer were accepted by the Disciplinary Authority and the penalty was imposed upon him. It is further stated there in that the charges levelled against him were not of complicated nature and the presenting officer

was also not a legally trained person. Justification is given for the penalty imposed, and stated that it has been properly imposed.

5. The parties have adduced documentary evidence, and it was not found necessary by them to lead any oral evidence.

6. I have heard Mr. Sahasrabudde, a co-worker and a member of the Union, appearing on behalf of the workman.

7. There is no appearance on behalf of the management, in this case, though a specific notice has been served on them of the hearing of this matter at Nagpur in view of the repeated request made by the management to fix the matter at Nagpur.

8. The management has produced relevant documents, from which is it found that there was a departmental enquiry against the workman on the charges levelled against him vide charge-sheet dated 16-12-1986, served on the workman. There were three heads of charges and it was a case of misconduct. The acts committed by the workman were most serious and amounted to mis-conduct in terms of sections 19.5 (c) (e) and (j) of the Bi-partite Settlement dated 19th October, 1966, as amended from time to time.

9. The charges are undoubtedly serious. The first charge relates to disobedience. He is alleged to have stated before the then Branch Manager Mr. Balerao that he will not do any work on that day and that he was taking leave on that day. He accordingly left an application on the table of Mr. Deshpande, Asst. Manager (Admn.) at Gandhi Baugh Branch (dated 25-6-1986) and went away.

10. The next charge levelled against him was that he threatened one of his co-employees namely Mr. P. M. Khumbare during duty hours on 28-7-1986.

11. The third charge that was levelled against him was still more serious, that the workman in the presence of lady staff members in the branch, behaved in a very bad manner. He used abusing words and it could not be tolerated not only by the lady members but even by the men folk.

12. The delinquent had denied the charges levelled against him and thereafter, the Enquiry Officer came to be appointed. The Enquiry Officer as can be seen from the documents produced, gave him ample opportunities that one can give during a departmental enquiry. It is seen that the delinquent was given opportunities to cross-examine each witness examined by the Presenting Officer on behalf of the Management. The workman also examined his own witnesses in support of his defence. The fairness of the enquiry, in my opinion could not be doubted. I am, therefore, not inclined to accept the submission made on behalf of the Workman, by Shri Sahasrabudde, that there was no fair and proper enquiry.

13. A grievance was made in the statement of claim that he was not properly represented before the Enquiry Officer. In this respect, the Workman first stated that he would be defended by Shri Sahasrabudde, and thereafter stated that he would be defended by Shri L. M. Moghe. It appears that Mr. Sahasrabudde being a Law Graduate, he thought that it was not proper for him to appear in the departmental enquiry as a defence representative.

14. It appears that Mr. Moghe, the other office bearer of the Union also did not appear to represent him in the Departmental Enquiry, and thereafter, he requested that he should be allowed to bring an advocate to defend him in case it was not possible for him to bring any of the office bearers of the Union. The Enquiry Officer informed him that it was within the powers of the Disciplinary Authority, and that the issues that are to be determined are also very simple, and therefore, he need not engage an Advocate.

15. He also assured that even if he defended his own case, he would be given all the reasonable and lawful opportunities. Accordingly, he agreed to make his own defence, and the enquiry proceeded. I do not, therefore, find any merit in the contention that he was not given adequate facilities to defend his case. After going through the enquiry papers, I am also convinced that the delinquent has been able to take care of his defence. It is therefore, not possible for me to accept the argument advanced by Shri Sahasrabudde that he was handicapped in his defence. I only quote one of

the questions put by the Enquiry Officer to the Delinquent and the reply given by him.

Qn. "Whether you are now in a position to bring any defence counsel amongst our staff"?

Ans. "No Sir, I could not get any person from among the staff to defend my case and hence I have decided to defend myself only. Please let the proceedings be in Hindi Language to enable me to understand".

That should complete in my opinion the discussion on this point.

16. The next argument advanced by Mr. Sahasrabuddhe was that the charges were not proved. It is to be remembered that the Presenting Officer produced persons who could speak on the charges levelled against the Workman, and they were all cross-examined by the Workman. They have given an account of all the incidents.

17. Witnesses were also examined on behalf of the delinquent Workman and they were also cross-examined on behalf of the Management. I have gone through the material produced before the Enquiry Officer. Based on this material the Enquiry Officer came to the conclusion that all the three charges were proved against the Workman.

18. Mr. Deshpande, Asstt. Manager, Mr. S. V. Joshi and Mr. Khumbare had given evidence in support of the first two charges, and the lady members of the establishment also came to be examined in support of the 3rd charge against the delinquent. It was not possible to brush aside this evidence. Even the witnesses examined on behalf of the Workman did not come to his help. In the circumstances, the Enquiry Officer concluded that the charges were proved. It is to be borne in mind that it is a domestic enquiry, and if a proper and fair enquiry has been conducted, this Tribunal cannot sit in appeal over the findings of the Enquiry Officer. I therefore, find that the enquiry was fair, proper, and legal and that the charges were established.

19. Mr. Sahasrabuddhe, then urged that the punishment imposed was harsh and very much on the higher side. I am unable to accept this submission also, considering the charges levelled against him and the material adduced on record in support of those charges. It can be seen that he was heard by the Disciplinary Authority prior to imposing the penalty, and the Disciplinary Authority passed the order and rejected his appeal. I therefore, find that the penalty imposed has been justified, much less harsh. The reference is accordingly answered.

R. G. SINDHAKAR, Presiding Officer

नई बिल्ली, 14 सितम्बर, 1993

का. आ. 2132—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की घारा 17 के अनुसरण में, केन्द्रीय सरकार एन.डी.आर.आई. करनाल के प्रबन्धतात्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण बड़ीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-93 को प्राप्त हुआ था।

[सं. एल-42012/60/85-जि. 2(बी) (पीटी)]  
के.बी.बी. उणी, डैस्क अधिकारी

New Delhi, the 14th September, 1993

S.O. 2132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to

the management of N.D.R.I. Karnal and their workmen, which was received by the Central Government on 10-9-93.

[No. L-42012/60/85-J.II(B)(Pt.)]  
K.V.B. UNNY, Deck Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 28/87

Lachman Dass Vs. N.D.R.I.

For the workman—None.

For the management—Shri D. S. Virk.

#### AWARD

Central Government vide Gazette notification No. L-42012/60/85-D.II(B) dated 7th May, 1987 issued U/S 10(I) (d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of NDRI Karnal, in terminating the services of Shri Lachman Dass son of Shri Maru Ram, Attendant (T), grade-I, w.e.f. 9-7-1980 is legal and justified ? If not, to what relief is the workman concerned entitled to and from what date?"

2. Brief facts as narrated in the statement of claim that the petitioner was appointed as attendant/mazdoor in the Estate Section of the N.D.R.I. Karnal vide appointment letter dated 20-7-1973. He performed his duties to the entire satisfaction of his superior during his tenure. His allegation are that his services were terminated w.e.f. 9-7-1980 without giving any show cause notice or charge sheet, without affording any reasonable and adequate opportunity which is illegal and against the principle of natural justice. He approached the management for re-employment but no effect. Thereafter he filed a claim petition at Faridabad which was filed on account of jurisdiction. He has thus prayed that his dismissal be declared illegal and he be reinstated in service with back wages.

3. The management in their written statement has taken preliminary objection that the petitioner is not a workman. Reference is bad for mis-joinder and non-joinder of the necessary party. Further plea of the management that the petitioner was not found fit due to adverse remarks mentioned confidential report. Plea of the management that on 20-6-1980 at 6.30 p.m. in a fit of drunkenness he abused his superior and disobeyed him. He was produced before the S.M.O., N.D.R.I. Dispensary who found him dead drunk. He was also fined certain while caught red handed drinking milk which amount to pilferage. The petitioner remained as temporary employee and his services were rightly terminated while he was on probation under Rule 5 of C.C.S. temporary service Rules and there was no need of any show cause notice opportunity and charge sheet and prayed for the dismissal of reference.

3. Replication was also filed reasserting the same facts as in the claim statement.

4. Petitioner produced himself as MW1 who filed his affidavit Ex. W1. He also produced WW2 Agnu. He filed his affidavit Ex. W2. The management got proved the application Ex. M-1.

5. The workman did not put up appearance despite registered notices. The management was asked to adduce their evidence. The management had produced MW1 Bhagwan Doss Batra. He filed his affidavit Ex. M1/A and also relied on the documents Ex. M2 to M7. The management also produced MW2 Ishwar Dass Asstt. NDRI Karnal. He filed his affidavit Ex. M8 and relied on document Ex. M9.

6. I have heard the counsel for the management and gone through the evidence and record.

7. Appointment letter has been placed on the record in which the petitioner was appointed as attendant/mazdoor

(Estate) in the pay scale of Rs. 196—232. Para 5 of the appointment letter stipulates that he will be on probation for a period of six months which may be extended at the discretion of the competent authority. Para 6 of the appointment letter also states that during the period of probation appointing authority may terminate the services of the appointee without notice and without payment of salary in lieu thereof. The petitioner had joined in pursuance of the said appointment letter. During his tenure the petitioner was indulging in various type of misconduct. On account of that he was subjected to various punishment. Ex. M2 is memorandum dated 8-10-1976. He was given warning for misbehaving with his superiors. On 19-7-1977 vide Ex. M3 he was served with memo. He was also served warning on 17-6-1977 vide Ex. M4 on account of passing dirty water through the door and shouting during the duty hours. He was severely warned on 3-8-1977 vide Ex. M-5. He was also fined on 3-4-1980 vide Ex. M-6 on account of that he was caught red handed while drinking the milk of buffalo. It seems that inspite of that the petitioner did not change his attitude. Again on 20-6-1980 he abused his superior under the influence of liquor. He was referred for medical examination. The medical officer found him intoxicated as apparent from Ex. M-9. Drinking heavy alcohol while on duty even once is held to be misconduct of graves nature attracting penalty of dismissal as has been held in State of Punjab and other Vs. Ram Singh Ex-constable reported in 1992 L.I.C. 2391 (Supreme Court).

8. The petitioner being on probation he was never confirmed by any express order by the management. It is settled law that a probationer has no right to the post. The very purpose of appointing a person on probation to try him during the probation period, to assess his suitability for the job in question. It is settled law that an order of discharge is not the order of punishment and there is no question of giving hearing before the termination of the services. Ex. M7 is the order dated 9-7-1980 terminating the services of the petitioner being on probation. No doubt the order does not contain that the petitioner has been found abusing his superior and refusing to work under the heavy influence of alcohol but this order is not the final order. The final order is the relieving order dated 10-7-1980 which has been placed on the record in which the petitioner was simply relieved without casting any stigma. It is neither penal nor stigmatizes the petitioner. The management had acted within frame work of rules and law. The ratio of the judgement reported in 1993(1) Services Cases Today page 236, Unit Trust of India Vs. T. Bijaya Kumar is followed.

9. In view of the discussion made in the earlier paras the action of the management in terminating the services of the petitioner is valid and no interference is called for. Reference is dismissed.

Chandigarh.  
26-8-93

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 14 अक्टूबर, 1993

का.आ. 2133—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बाटर रेग्लेशन टिवीजन, बी.बी.एम.बी., सुन्दर नगर के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकारण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-93 को प्राप्त हुआ था।

[सं. पल-42012/5/92-आईआर (लीय) (पार्ट)]  
के.बी.बी. उण्णी, ईस्क अधिकारी

New Delhi, the 14th September, 1993

S.O. 2133.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Water Regulation Division BBMB, Sundernagar and their workmen, which was received by the Central Government on 10-9-1993.

(No. L-42012/5/92-IR (DU) (Pt.)  
K. V. B. UNNY, Desk Officer.

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 25/93

Ashok Kumar Vs. Bhakra Dam.

For the Workman—Workman in person.

For the management—Shri C. Lal.

#### AWARD

Central Government vide Gazette notification No. L-42012/5/92-IR.(D.U.) dated 7-1-93 issued U/S. 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Water Regulation Division BBMB, Sundernagar in not offering Shri Ashok Kumar, S/o Shri Bhagwan Dass, the post of Beldar which is being created on regular basis vide letter No. 5920-28/6E dated 7-11-91 of Sr. Design Engineer Water Regulation Division BBMB, Sundernagar Township is justified ? If not, what relief the workman concerned is entitled to ?”

2. In the present case the petitioner Ashok Kumar has made a statement that he has been re-employed by the respdt. management and he had joined on 3-5-1993 in full and final settlement of his claim. He does not want to pursue with the present reference which may be returned to the Ministry as no dispute award.

In view of the statement made by the petitioner that he has been re-employed by the management and he joined on 3-5-1993 in full and final settlement of his claim a no dispute award is returned to the Ministry.

Chandigarh.

Dated : 10-8-1993

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 14 अक्टूबर, 1993

का.आ. 2134—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे, नई दिल्ली के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकारण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-9-93 को प्राप्त हुआ था।

[सं. एप-41011/36/91-आईआर (लीय) (पार्ट)]  
के.बी.बी. उण्णी, ईस्क अधिकारी

New Delhi, the 14th September, 1993

S.O. 2134.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, New Delhi and their workmen, which was received by the Central Government on 10-9-1993.

[No. L-41011/36/91-IR(DU)(Pt.)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 184/91

Narinder Singh and Balkar Singh Vs. Northern Railway.  
For the workman : None.  
For the management : None.

## AWARD

Central Government vide Gazette Notification No. L-41011/36/91-I.R. (D.U.) dated 5th December, 1991 issued U/s 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the actions of G.M., Northern Railway, New Delhi in changing the seniority of Shri Narinder Singh, S/o Kartar Singh and Shri Balkar Singh, S/o Piara and absorbing them in the factory of Concret Sleeper plant are justified? If not, what relief the concerned workmen are entitled to?"

2. Repeated registered notices were sent to the petitioner. None put up appearances. On 15-7-1993 Mr. Zakhmi appearing on behalf of the respondent management also made statement that he is not a counsel in this case. Thus a regd. notice was also sent to the management. On behalf of the management none put up appearance. None has put up appearances on behalf of the petitioner. As there is no pleading this Court can not help except to dismiss this reference in default. Ministry be informed.

Chandigarh,  
25-8-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 15 सितम्बर, 1993

का.आ. 2135.—श्रीधोगिक विद्याद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.डी.ओ., टेलीकाम महाबूब नगर के प्रबन्धतान के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंश में निर्विष्ट श्रीधोगिक विद्याद में श्रीधोगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-93 को प्राप्त हुआ था

[सं. एल-40012/137/91-आईआर(डीयू) (पार्ट)]  
के.वी.बी. उण्णी, डैस्क अधिकारी

New Delhi, the 15th September, 1993

S.O. 2135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO, Telecom, Mahaboobnagar and their workmen, which was received by the Central Government on 14-9-1993.

[No. L-40012/137/91-IR(DU)(Pt.)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT  
HYDERABAD

## PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, 1st day of September, 1993  
Industrial Dispute No. 11 of 1992

## BETWEEN

V. Veeraramulu (SC) S/o V. Bheemaiah,  
aged about 23 years Casual Mazdoor,  
under 1st Respondent. .... Petitioner.

## AND

1. The Sub-Divisional Officer, Telecom,  
Mahaboobnagar-509050.  
2. The Telecom District Engineer,  
Mahaboobnagar-509050. .... Respondents.

## APPEARANCES :

M/s. C. Suryanarayana and P. Bhasker, Advocates for  
the Petitioner.

M/s. M. Panduranga Rao, B. G. Ravinder Reddy and  
M. V. Ramarao, Advocates for Respondents.

## AWARD

The Government of India, Ministry of Labour, by its Order No. L-40012/137/91-IR(DU) dated 26-2-92/3-3-1992 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of SDO, Telecom, Mahaboobnagar and their workmen to this Tribunal for adjudication :

"Whether the management of Sub-Divisional Officer (Rural) Telecom, Mahaboobnagar is justified in terminating the services of Sri V. Veera Ramulu, Ex-Casual Mazdoor? If not, what relief he is entitled to?"

This reference was registered as Industrial Dispute No. 11 of 1992 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner-workman read as follows :

The petitioner's claim for reinstatement in service is based on the fact that the 1st Respondent herein recruited and employed the petitioner w.c.f. 1-5-88 after verifying his date of birth, educational qualifications, Scheduled Caste Certificates and Employment Registration card. From 1-5-1988 the petitioner was employed upto the end of June for the full months but for the next 3 months he was not employed due to cessation of work which is due to departmental reasons not attributable to the petitioner. But from 1-10-1988 the petitioner was continuously employed till the end of August, 1989 except for breaks of 15 days in December, 1988, 27 days in July, 1989 and 14 days in August, 1989. Thus he was employed for a total of 309 days during the period from 1-5-1988 to 31-8-1989. But during the one year period from September, 1988 to August, 1989 the petitioner was employed for a total of 247 days out of the said 308 days. However the petitioner was retrenched from service w.e.f. 1-9-1989 on the plea that he was recruited after 30-3-1985 the date on which DG, P&T issued orders prohibiting recruitment and employment of any fresh casual mazdoors. The petitioner was not given any notice nor paid notice period wages as per the mandatory provisions of Section 25-F of the I.D. Act. In DAILY RATED CASUAL LABOUR IN P&T v. UNION OF INDIA & OTHERS (AIR 1987 SC 2312) the Supreme Court directed that a scheme be worked out by the P&T Department to absorb, as far as possible, the Casual Labourers who have rendered one year continuous service (with atleast 240 days service to their credit). Thus, the Supreme Court conferred on the workmen the right of absorption in the regular establishment of the Departments because the Casual workman no longer remains 'casual' after rendering one year continuous service. The aforesaid direction of the Supreme Court, the petitioner retrenched from service on the fallacious ground that he was recruited after 30-3-1985 the date on which the Director-General imposed ban on fresh recruitment/employment of Casual Mazdoors. The retrenchment was without complying with the mandatory provisions of Section 25-F of the I.D. Act. In a similar case, when some casual Mazdoors of Delhi Telephones, recruited after 30-3-1985 were retrenched, the Principal Bench of the Hon'ble Central Administrative Tribunal at New Delhi declared that in view of the above mentioned judgement of the Supreme Court (AIR 1987 SC 2342), the executive orders of the DG dated 30-3-1985 are no more valid and that even casual Mazdoors recruited/

employed after that date are entitled to absorption in the regular establishment on a regular basis on rendering one year continuous service, vide its judgement dated 4-5-1988 in OA No. 529/88 between SUNDEKLAL AND OTHERS AND UNION OF INDIA AND OTHERS (unreported). Infact, in a subsequent decision dated 17-4-1990 in W.P.(C) No. 1280/89 and batch of cases between RAMGOPAL AND OTHERS AND UNION OF INDIA AND OTHERS etc. (unreported), the Hon'ble Supreme Court upheld the above mentioned judgement dated 4-5-1988 and declared that no distinction can be drawn between Mazdoors recruited before 30-3-1985 and those that are recruited on or after that date and that all those who have rendered one year continuous service are entitled to the benefits of the judgement in AIR 1987 SC 2342. The petitioner submits that after absorbing several mazdoors, the Telecom Department issued orders No. 269-i0/89-STN dated 7-11-1989 to grant temporary status to those who could not be absorbed in the regular establishment for want of vacancies. It is thus clear that continuous one year service as Casual Labourers in the Telecom Department entitles them to temporary status pending their absorption in the regular establishment of the Department, according to their turn in the seniority list of casual mazdoors of a recruitment unit and for preparing the seniority list the Director General issued separate orders. Absorption in the regular establishment of the Department according to their turn in the seniority list and grant of temporary status are thus incidental to their service in the Telecom Department. The Petitioner prays that this Hon'ble Tribunal may be pleased to hold and declare that his retrenchment is illegal, null and void and consequently to direct the respondents herein to reinstate him in service with full back wages, continuity of service, protection of his seniority and all other benefits which are consequential and/or incidental to such reinstatement and pass the Award accordingly.

3. The brief facts of the counter filed by the Respondents read as follows : It is submitted that the petitioner was engaged as a Casual Mazdoor on daily wages depending upon the availability of work. The Casual Mazdoors are engaged for laying the cables, erecting poles etc. The work of the casual mazdoor comes to an end as and when the work is over. The work of the Casual Mazdoor is not continuous and purely depends upon the availability of work. The allegation that the petitioner worked for 308 days during the period from 1-5-1988 to the end of August, 1989 is not correct. He worked for 277 days during the said period of 1-5-1988 to the end of August, 1989. It is submitted that in cases of Casual Mazdoors, there is no question of termination. Casual Mazdoors will be discontinued as and when the work is over. Therefore, the allegation that the petitioner was terminated from service and that the termination is in violation of Section 25-F of the ID. Act is not correct. It is submitted that there is no termination of service much less retrenchment of service. Section 25-F of the ID. Act is not applicable to the facts and circumstances of this case and the question of compatibility with the provisions of Section 25-F does not arise. The Respondent is a Government of India Department and it has got procedure for engaging regular employees. The Casual Mazdoors are meant purely for discharging casual nature of work and they have no right of whatsoever nature to seek for absorption or for employment under the Respondent. The various judgements cited by the petitioner in the claim statement are not relevant and are not applicable to the facts of this case. The petitioner was not eligible for granting of temporary status as he was not engaged prior to 30-3-1985. It is prayed that this Hon'ble Tribunal may be pleased to pass an Award holding that the petitioner is not entitled to any relief.

4. W.W.1 was examined on behalf of the Petitioner and Exs. W1 to W8 were marked. M.W.1 is examined on behalf of the Respondent and no documents were marked.

5. The point for adjudication is whether the management of Sub-Divisional Officer (Rural) Telecom, Mahaboobnagar i. justified in terminating the services of Sri V. Veera Ramulu, Ex-Casual Mazdoor ?

6. W.W.1 is V. Veera Ramulu, the Petitioner himself. He deposed that he belongs to Madika Caste, which is recognised as Schedule Caste. Ex. W-1 is the caste certificate

issued by Tahsildar on 17-6-1978. He joined the services of the 1st respondent on 12-5-1988 as casual mazdoor. He worked in the department till 1-9-1989. Ex. W2 is the a/copy of the statement showing number of days worked during 1-5-1988 to 1-9-1989. At the time of termination, he was neither given one month's notice nor was paid one month's wages in lieu of the notice. He was not given the reasons for his termination. After his termination, he visited the first Respondent every week on Monday and requested him to give him work but he refused to give him work for the reason that he was recruited and employed after 30-3-1985. Ex. W3 is the Director General, Post & Telegraph Order No. 270/6/84-STN dated 30-3-1985 prohibiting the recruitment of fresh casual mazdoors. Within 1-5-1988 and 1-9-1989 he worked for total of 308 days. One year preceding his termination he worked for total of 247 days. He knows that an order was issued by the Director General granting temporary status for those of the casual mazdoors who had put in a continuous period of 240 days. Ex. W4 is the order of the Director General dt. 7-11-1989. He made a complaint to the Regional Labour Commissioner (Central) Hyderabad when the first Respondent refused to give him work. Ex. W5 is complaint dt. 2-2-1991 to the Regional Labour Commissioner. Ex. W6 is the para-wise remarks dt. 6-4-1991 furnished by the first Respondent. Ex. W-7 is the rejoinder to the para-wise remarks by workman representative. In the conciliation proceedings before the Regional Labour Commissioner, the first Respondent refused to take him back to duty. Ex. W-8 is the failure of conciliation report dt. 1-8-1991. A number of his juniors are still continued in the service. He knows one casual mazdoor by name Mr. Obulesu is still continuing in the service. He prays this Hon'ble Tribunal that his termination may be held illegal and grant him reinstatement with full back wages and continuity of service.

7. M.W.1 is B. Venkata Ramalal. He deposed that he is working at Mahaboobnagar since January, 1991. They engaged casual mazdoors for the purpose of digging trenches, laying of cables, erection of poles etc. It is not a continuous nature. The casual mazdoors come to them and enquire about the availability of work and if there is any work they will be engaged. They will come at their will and they (we) are not responsible for their absence. The petitioner worked from May, 1988 to August, 1989. He did not work in the month of July, August and September, 1988 and in some other months he worked for only two days. The petitioner did not approach after October, 1989. No junior to the petitioner is being continued.

8. The contention of the Petitioner workman that he was employed by the First Respondent w.e.f. 1-5-1988 to 31-8-1989 for a total period of 308 days except for breaks of few days during December, 1988, July, 1989 and August, 1989. During the one year period from September, 1988 to August, 1989 the petitioner was employed for a total of 247 days out of the said 308 days. The retrenchment of the Petitioner from service w.e.f. 1-8-1989 was that he was recruited after 30-3-1985 the date on which orders issued prohibiting recruitment and employment of any fresh Casual Mazdoors. No notice nor paid notice period wages as per Section 25-F of the ID. Act was given. Hence prayed that to declare that this retrenchment is illegal.

9. The contention of the Respondent on the other hand that the allegation that the petitioner worked for 308 days during the period from 1-5-1988 to the end of August, 1989 is not correct, that the petitioner worked for 277 days during the said period of 1-5-1988 to the end of August 1989, that the petitioner was terminated from service and that the termination is in violation of Section 25-F of the ID. Act are not correct. The casual mazdoors are meant purely for discharging casual nature of work and they have no right of whatsoever nature to seek for absorption or for employment under the Respondent. The petitioner was not eligible for granting of temporary status as he was not engaged prior to 30-3-1985.

10. The Petitioner workman relied upon the decision of the Supreme Court in Daily Rate Casual Labour in P&T v. Union of India and others (AIR 1987 SC 2342). The Supreme

Court directed that a scheme be worked out by the P&T Department to absorb, as far as possible, the Casual Labourers who have rendered one year continuous service (with atleast 240 days service to their credit) "Thus, the Supreme Court conferred on the workmen the right of absorption in the regular establishment of the Departments because the casual workman no longer remains 'casual' after rendering one year continuous service. In the present case the Petitioner-workman had put in 247 days out the said 308 days. So applying the above decision of the Supreme Court, the Petitioner is entitled for the absorption in the regular establishment of the Department. There is another similar case relied on by the Petitioner-workman. When the Petitioner was retrenched on the ground that he was recruited after 30-3-1985 in pursuance of the D.G., P&T orders issued prohibiting recruitment and employment of any fresh Casual Mazdoors. The Principal Bench of the Hon'ble Central Administrative Tribunal at New Delhi declared that in view of the judgement of the Supreme Court in AIR 1987 SC page 2342, the executive orders of the D.G. dt. 30-3-1985 are no more valid and that even casual Mazdoor recruited/employed after that date are entitled to absorption in the regular establishment on a regular basis on rendering one year continuous service and also in other batch of cases, the Supreme Court declared that no distinction can be drawn between mazdoors recruited before 30-3-1985 and those that are recruited on or after that date and that all those who have rendered one year continuous service are entitled to the benefits of the judgement AIR 1987 SC 2342. So it is clear from the above judgements referred, the Petitioner workman has put in 247 days during a period of one year continuous service, the petitioner has got right of absorption in the regular establishment of the Departments. In view of and on a consideration of the evidence, facts and circumstances of the case, I am clearly of the view that the Petitioner's retrenchment is illegal and the Respondent is directed to reinstate the Petitioner-workman into service with full back wages, continuity of service and protection of his seniority with all other benefits.

11. In the result, the Management of Sub-Divisional Officer (Rural) Telecom, Mahaboobnagar is not justified in terminating the service of Sri V. Veera Ramulu, Ex. Casual Mazdoor. The petitioner is entitled to be reinstated into service with full back wages, continuity of service, protection of his seniority and all other attendant benefits.

Award passed accordingly.

Typed to my dictation given under my hand and the seal of this Tribunal, this the 1st day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

#### Appendix of Evidence

Witnesses Examined on  
behalf of Workmen :

W.W 1—V. Veera Ramulu. MW1 B Venkataiah

Documents marked on behalf of Workman:

Ex. W1 17-6-78—Xerox copy of Caste Certificate of workman.

Ex. W2—Xerox copy of the statement showing the number of days worked under 1st Respondent.

Ex. W3 30-3-85—Xerox copy of the order of Director General, Telegraphs prohibiting temporary employees recruitment.

Ex. W4 7-11-89—Xerox copy of the order of D.G.T.

Ex. W5 2-2-91—Xerox copy of complaint given by the workman to the Conciliation Officer.

Ex. W6 6-4-91—Xerox copy of parawise remarks.

Ex. W7—Xerox copy of rejoinder to parawise remarks.

Ex. W8 7-8-91—Xerox copy of failure report of Conciliation Officer

Documents Marked for the Management

NIL

नई दिल्ली, 15 सितम्बर, 1993

का.आ. 2136.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ए.डी.ओ. टेलीकाम महबूब नगर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में श्रीयोगिक अधिकरण हैदराबाद के गंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-93 को प्राप्त हुआ था।

[स. पल-40012/138/91-आई.आर. (डीयू)पीटी]]

के.वी. वी. उण्णी, डैस्क अधिकारी

New Delhi, the 15th September, 1993

S.O. 2136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.D.O. Telcom, Mahaboob Nagar and their workmen, which was received by the Central Government on 14-9-1993.

[No. L-40012/138/91-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

#### PRESENT :—

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 1st day of September, 1993.

INDUSTRIAL DISPUTE NO. 12 OF 1992.

#### BETWEEN :

K. Narasimlu (SC) S/o Kistajah, aged about 24 years, Casual Mazdoor, under 1st Respondent. . .Petitioner.

#### AND

1. The Sub-Divisional Officer, Telecom, Mahaboob Nagar-509 050.
2. The Telecom District Engineer, Mahaboob Nagar-509 050. . .Respondents

#### APPEARANCES :

S/Sri C. Suryanarayana and P. Bhaskar, Advocates for the Petitioner.

M/s. M. Panduranga Rao, B.G. Ravinder Reddy and M. V. Ramarao, Advocate for Respondents.

#### AWARD

The Government of India, Ministry of Labour, by its Order No. I-40012/138/91-IR (DU), dated 26-2-1992/4-3-1992 referred the following dispute under Section 10(1) (d) (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of S.D.O. Telecom, Mahaboob Nagar and their workmen to this Tribunal for adjudication :—

"Whether the management of Sub-Divisional Officer (Rural) Telecom Mahaboob Nagar is justified in terminating the services of Sri K. Narasimulu Ex-Casual Mazdoor w.e.f. 1-9-1989 ? If not, what relief he is entitled to ?"

This reference was registered as Industrial Dispute No. 12 of 1992 and notices were served on both the parties

2. The brief facts of the claim statement read as follows : The Petitioner's claim for reinstatement in service is based

on the fact that the 1st Respondent herein recruited and employed the petitioner w.e.f. 1-5-1988 after verifying his date of birth, educational qualifications, Schedule Caste Certificate and Employment Registration Card. However the petitioner was retrenched from service w.e.f. 1-9-1989 on the plea that he was recruited after 30-3-1985, the date on which D. G. P. & D. issued orders prohibiting recruitment and employment of any fresh Casual Mazdoors. The petitioner was not given any notice nor paid notice period wages as per the mandatory provisions of Section 25-F of the I. D. Act. In DAILY RATED CASUAL LABOUR IN P and T v. UNION OF INDIA and OTHERS (AIR 1987 SC 2342) the Supreme Court directed that a Scheme be worked out by the P and T Department to absorb, as far as possible, the Casual Labourers who have rendered one year continuous service (with at least 240 days service to their credit). Thus, the Supreme Court conferred on the workmen the right of absorption in the regular establishment of the Departments because the Casual workman no longer remains 'casual' after rendering one year continuous service. Notwithstanding the aforesaid direction of the Supreme Court, the petitioner was retrenched from service on the fallacious ground that he was recruited after 30-3-1985, the date on which the Director-General imposed ban on fresh recruitment/employment of Casual Mazdoors. The retrenchment was without complying with the mandatory provisions of Section 25-F of the I. D. Act. In a similar case, when some casual mazdoor of Delhi Telephones, recruited after 30-3-1985 were retrenched, the Principal Bench of the Hon'ble Central Administrative Tribunal at New Delhi declared that in view of the above mentioned judgement of the Supreme Court (AIR 1987 SC 2342) the executive orders of the DG, dated 30-3-1985 are no more valid and that even Casual Mazdoors recruited/employed after that date are entitled to absorption in the regular establishment on a regular basis on rendering one year continuous service, vide its judgement dated 4-5-1988 in OA No. 529/88 between SUNDERLALA and OTHERS AND UNION OF INDIA and OTHERS (Unreported). In fact in a subsequent decision dated 17-4-1990 in WP(C) No. 1280/89 and batch of cases between RAM GOPAL and OTHERS v. UNION OF INDIA and OTHERS etc. (unreported), the Hon'ble Supreme Court upheld the abovementioned judgement dated 4-5-1988 and declared that no distinction can be drawn between Mazdoors recruited before 30-3-1985 and those that are recruited on or after that date and that all those who have rendered one year continuous service are entitled to the benefits of the judgement in AIR 1987 SC 2342. The petitioner submits that after absorbing several Mazdoors the Telecom Department issued orders No. 269-10/89-ETN dated 7-11-1989 to grant temporary status to those who could not be absorbed in the regular establishment for want of vacancies. It is thus clear that continuous one year service as casual labourers in the Telecom Department entitles them to temporary status pending their absorption in the regular establishment of the Department, according to their turn in the seniority list of Casual Mazdoors of a recruitment unit and for preparing the seniority list the Director-General issued separate orders. Absorption in the regular establishment of the Department according to their turn in the seniority list and grant of temporary status are thus incidental to their service in the Telecom Department. The petitioner prays that this Hon'ble Tribunal may be pleased to hold and declare that his retrenchment is illegal and consequently to direct the respondents herein to reinstate him in service with full back wages, continuity of service, protection of his seniority and all other benefits which are consequential and/or incidental to such reinstatement and to pass the Award accordingly.

3. The brief facts of the counter filed by the Respondents read as follows:—It is submitted that the petitioner was engaged as a Casual Mazdoor on daily wages depending upon the availability of work. The Casual Mazdoors are engaged for laying the cables, erecting poles etc. The work of the Casual Mazdoor comes to an end as and when the work is over. The work of the Casual Mazdoor is not continuous and purely depends upon the availability of work. The allegation that the petitioner worked continuous during the period from 1-5-1988 to the end of August 1989 is not correct. He worked for 296 days during the said period of 1-5-1988 to the end of August 1989. It is submitted that in cases of Casual Mazdoors there is no question of termination. Casual Mazdoor will be discontinued as and when the work is over. Therefore, the allegation that the petitioner was terminated from service and that the termination

is in violation of Section 25-F of the Industrial Disputes Act is not correct. It is submitted that there is no termination of service much less retrenchment of service. Sec. 25 F of the I.D. Act is not applicable to the facts and circumstances of this case and the question of complying with the provisions of Section 25-F does not arise. It is submitted that the Respondent is a Government of India Department and it has got procedure for engaging regular employees. The Casual mazdoors are meant purely for discharging casual nature of work and they have no right of whatsoever nature to seek for absorption or for employment under the Respondent. The various judgements cited by the petitioner in the claim statement are not relevant and are not applicable to the facts of this case. The petitioner was not eligible for granting of temporary status as he was not engaged prior to 30-3-1985. It is prayed that this Hon'ble Tribunal may be pleased to pass an Award holding that the petitioner is not entitled to any relief.

4. W.W1 was examined on behalf of the Petitioner himself and marked Ex. W1 to W9. M.W1 was examined on behalf of the Respondent and no documents were marked on its side.

5. The point for adjudication is whether the Management of Sub. Divisional Office (Rural) Telecom Mahaboobnagar is justified in terminating the services of Sri K. Narasimhulu, Ex-Casual Mazdoor w.e.f. 1-9-1989 ?

6. W.W1 is Narasimhulu. He deposed that he belongs to Madikeri Caste which is recognised as Scheduled caste. He studied upto Intermediate. But he discontinued. Ex. W1 is the Caste Certificate dt. 2-7-1977 issued by Tahsildar. He joined the services of the first Respondent on 1-5-1988. He worked in the Department of 1st Respondent till 1-9-1989. Ex. W2 is the statement showing the number of days worked by him under first Respondent. He was neither given one month's notice nor was paid one month's wages in lieu of notice at the time of his termination. Thereafter he approached the first Respondent several times for work, but he refused to give him the work on the plea that there was a ban on recruitment after 30-3-1985. Ex. W3 is the D.G., P&T Order dt. 20-3-1985 prohibiting the recruitment of fresh casual labour. He worked for a total of 308 days during he 1-5-1988 to 1-9-1989. But during 1-9-1988 to end of August, 1989, he worked for a total period of 247 days continuously. He knew that an order was issued by the Director General for granting temporary status to those of casual labourers who have worked for a total period of 240 days continuously. Ex. W4 is the said order dt. 7-11-1989. When the first Respondent refused to engage him as a casual labourer he made a complaint dt. 2-2-1991 to the Regional Labour Commissioner (Central), Hyderabad. The said complaint is marked as Ex. W5. Ex. W6 is the parawise remarks dt. 6-4-91 filed by the first Respondent. Ex. W7 is the rejoinder dt. 6-6-1991 of the workman to the above parawise remarks. Ex. W8 is the minutes of conciliation proceedings dt. 26-7-91. The first respondent refused to engage him when a suggestion was made in the conciliation proceedings before the Labour Commissioner. Ex. W9 is the failure of conciliation proceedings. Therefore he prays this Hon'ble Court to declare that his termination is illegal and direct the Respondent to reinstate him into service with full back wages and protection of seniority.

7. M.W1 is B. Venkata Ramaiah. He deposed that he is working at Mahbholwagar since January 1991. The nature of work done by the casual mazdoors is of digging trenches, laying of cables, erection of poles and overhead lines. It is not a regular in continuous work. The casual mazdoors come to us and enquire about the availability of work and if there is any work, they will be engaged. They attend to work at their will and they have no control over them for their absence. It made clear to the casual mazdoors before their engagement that they will be engaged only if the work is available. The petitioner worked from June 1988 to August 1989. He did not work during the months of July, August and September, 1988 for some period in 1989. No junior to the petitioner was continued as casual mazdoor.

8. The contention of the Petitioner workman that he was employed by the First Respondent w.e.f. 1-5-1988 to 31-8-89 for a total period of 308 days except for breaks of few days. During the one year period from 1-5-1988 to the end of August, 1989 the petitioner was employed for a total period

of 296 days out of the said 308 days. The retrenchment of the petitioner from service w.e.f. 1-8-1989 was that he was recruited after 30-3-1985 the date on which orders was issued prohibiting recruitment and employment of any fresh Casual Mazdoors. No notice nor paid notice period wages as per Section 25-I of the I.D. Act, was given. Hence prayd that to declare that this retrenchment is illegal.

9. The contention of the Respondent on the other hand that the allegation that the petitioner worked for 308 days during the period from 1-5-1988 to the end of August 1989 is not correct, that the petitioner worked for 296 days during the said period of 1-5-1988 to the end of August, 1989, that the petitioner was terminated from service and that the termination is in violation of Section 25-F of the I.D. Act are not correct. The casual mazdoors are meant purely for discharging casual nature of work and they have no right of whatsoever nature to seek for absorption or for employment under the Respondent. The petitioner was not eligible for granting of temporary status as he was not engaged prior to 30-3-1985.

10. The Petitioner workman relied upon the decision of the Supreme Court in DAILY RATE CASUAL LABOUR IN P&T Vs. UNION OF INDIA & OTHERS (AIR 1987 SC 2342). The Supreme Court directed that a scheme be worked out Casual Labourers who have rendered one year continuous by the P&T Department to absorb, as far as possible, the service (with at least 240 days service to their credit). Thus, the Supreme Court conferred on the workmen the right of absorption in the regular establishment of the Department because the casual workman no longer remains 'casual' after rendering one year continuous service. In the present case the Petitioner-workman had put in 296 days out of the said 306 days. So applying the above decision of the Supreme Court, the Petitioner is entitled for the absorption in the regular establishment of the Department. There is another similar case relied on by the Petitioner-Workman. When the Petitioner was retrenched on the ground that he was recruited after 30-3-1985 in pursuance of the D.G. P&T Orders were issued prohibiting recruitment and employment of any fresh Casual Mazdoors. The Principal Bench of the Hon'ble Central Administrative Tribunal at New Delhi declared that In view of the judgement of the Supreme Court in AIR 1987 SC page 2342, the executive orders of the D.G., dt. 30-3-1985 are no more valid and that even casual mazdoor recruited/employed after that date are entitled to absorption in the regular establishment on a regular basis on rendering one year continuous service and also in other batch of cases, the Supreme Court declared that no distinction can be drawn between mazdoors recruited before 30-3-1985 and those that are recruited on or after that date and that all these who have rendered one year continuous service are entitled to the benefits of the Judgement in AIR 1987 SC 2342. So it is clear from the above judgements referred, the petitioner workman has put in 296 days during a period of one year continuous service, the petitioner has got right of absorption in the regular establishment of the Departments. In view of and on a consideration of the evidence, facts and circumstances of the case. I am clearly of the view that the Petitioner's retrenchment is illegal and the Respondent is directed to reinstate the Petitioner-workman into service with full back wages, continuity of service and protection of his seniority with all other benefits.

11. In the result, the management of Sub-Divisional Officer (Rural) Telecom, Nahboobnagar is not justified in terminating the service of Sri K. Narasimhulu, Ex-Casual Mazdoor. The Petitioner is entitled to be reinstated into service with full back wages, continuity of service, protection of his seniority and all other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 1st day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I.

#### Appendix of Evidence

Witnesses Examined for the  
Workmen/Petitioner.  
W.W1 K. Narasimhulu.

Witnesses Examined for the  
Respondent/Management.  
M.W1 B. Venkata Ramaiah.

Documents marked for the Petitioner-Workmen :

- Ex. 1.—Xerox Copy of S.C. Certificate.
- Ex. W2.—Xerox Copy of working days particulars.
- Ex. W3 30-3-85—Xerox copy of DG's Order prohibiting fresh recruitment.
- Ex. F4 7-11-89.—Xerox copy Order of DGT on temporary status without regularisation.
- Ex. W5 2-2-91.—Xerox copy of Complaint to RLC(C) Hyderabad raising the I.D.
- Ex. W6 6-4-91.—Xerox copy parawise remarks of the 1st Respondent.
- Ex. W7 6-6-91.—Rejoinder to the above parawise remarks.
- Ex. W8 25-7-91.—Minutes of the conciliation proceedings.
- Ex. W9.—Failure of Conciliation report.

Documents marked for the Management/Respondent :

NIL

नई दिल्ली, 20 सितम्बर, 1993

का.आ. 2137—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केर बोर्ड, देहरादून के प्रबल्पतात के संबंध नियोजकों और उनके कर्मकारों के बीच, अन्वय में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-93 को प्राप्त हुआ था।

[सं.एल.-13012/5/91-श्रावि.प्रार. (डी.यू.) (पीटी)]  
के.वी.वी. उणी, डैस्क अधिकारी

New Delhi, the 20th September, 1993

S.O. 2137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Cantt. Board, Dehradun and their workmen, which was received by the Central Government on 15-9-93.

[No. L-13012/5/91-IR (DU)(Pt.)]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING  
OFFICER, CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL, NEW DELHI

I.D. No. 127/91

In the matter of dispute between

Shri Bir Singh S/o Sh. Gusai Singh, Driver, Vil-  
lage Malhan, P. O. Naya Gao, Palyan,  
Dehradun-248001.

versus

Executive Officer,  
Cantonment Board,  
Garh Cantt., Dehradun-248001.

## APPEARANCES :

Shri Virendra Bhandari for the workman.  
None for the management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-13012/5/91 I.R. (DU) dated 30-9-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Executive Officer, Caatt. Board, in terminating the services of Shri Bir Singh, s/o. Shri Gusai Singh, Driver w.e.f. 18-9-90 is justified ? If not, what relief he is entitled to and from what date ?"

2. The workman in his statement of claim alleged that he had been working with the management from 20-2-88 and his services were terminated w.e.f. 18-9-90 without assigning any reasons. No compensation was given to him nor his termination was in any way justified. The Management filed written statement on 11-2-92 and last appeared in court on 31-8-1992. Thereafter none appeared on behalf of the management, on these subsequent dates though notice had been issued to the parties the management was thus ordered to be proceeded against ex parte.

3. The workman appeared himself as WW1 and filed affidavit Ex. WW1/1 and made statement on oath. It is stated that no notice was given to him nor any enquiry was conducted. No compensation was given to him. Since the workman was not cross-examined there is no reason to disbelieve the oral testimony of the workman made on oath in the court. No evidence has been given by the management and they have not at all cared to appear in this case. From the sworn testimony of the workman I am of the opinion that there is nothing on record to justify the termination of the services of the workman on behalf of the management. I, therefore, hold that termination of the services of the workman was not justified and he was entitled to be reinstated from the date of his termination and entitled to continuity of service with 50 per cent of back wages from the said date. Parties are, however, left to bear their own costs.

30th August, 1993

**GANPATI SHARMA**, Presiding Officer

नई दिल्ली, 20 सितम्बर, 1993

का.आर. 2138.—श्रीधोगिक विधायक संविधानसभा, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन कार्डिनल आफ फोर्म्यूलरिसन व एजूकेशन के प्रबन्धान्त्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विधायक संविधानसभा अधिकारण नई दिल्ली के दरवाजे को प्रशासित करती है, जो केन्द्रीय सरकार को 15-9-93 की प्राप्त हुया था।

[सं. एन-42012/77/90-का.आर. (डीप्य) (पीटी)]  
के.वी.बी. द्वारा, इस्क अधिकारी

New Delhi, the 20th September, 1993

S.C. 2138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Council of Forestry Research and Education and their workmen which was received by the Central Government on 15-9-93.

[No. L-42012/77/90-I.R(DU) (Pt.)

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL: NEW DELHI

I.D. No. 140/90

In the matter of dispute between

Shri Rajinder Kumar S/o Shri Badal Ram,  
Village Banyewala, P. O. Prem Nagar,  
Dehradoon-248001.

Versus

Director General, Indian Council of Forestry Research and Education, P. O. New Fatesi,  
Dehradoon-248006.

## APPEARANCES :

None for the workman.

Shri Jog Singh for the Management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/77/90-I.R. (DU) dated 27/30-11-90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the management of Indian Council of Forestry Research and Education in terminating the services of Shri Rajinder Kumar S/o Badal Ram w.e.f. 1-11-86 is justified ? If not, to what relief the concerned workman is entitled to ?"

2. The case was fixed today for admission and denial by the parties but nobody appeared on behalf of the workman while the representative for the management was present. The workman was ordered to be proceeded against ex parte.

3. The Management did not lead any oral evidence.

4. In view of the fact that no evidence has been led by the workman in this case nor has he appeared to further contest the claim, it appears that he is not interested in the following dispute. I, therefore, pass a no dispute award in this case. Parties are, however, left to bear their own costs.

30th August, 1993.

**GANPATI SHARMA**, Presiding Officer

नई दिल्ली, 20 सितम्बर, 1993

का.आ. 2139.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जूलोजिकल सर्वे प्राफ इंडिया के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारी के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक प्रधिकरण ने 1 अक्टूबर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-93 को प्राप्त हुआ था।

[सं. एल-42011/60/88-डी. 2(बी) (पीटी)]  
के.वी.बी. उणी, डैस्क अधिकारी

New Delhi, the 20th September, 1993

S.O. 2139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Zoological Survey of India and their workmen, which was received by the Central Government on 15-9-1993.

[No. L-42011/60/88-D. II(B) (Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. I AT BOMBAY  
PRESENT

Justice Shri R. G. Sindhakar,  
Presiding Officer

REFERENCE NO. CCIT-46 OF 1990

#### PARTIES :

Employers in relation to the management of  
Zoological Survey of India, Pune.

AND

Their workmen

#### APPEARANCES :

For the Management : Shri R. K. Shety, Advocate.

for the Workmen : Shri M. B. Aanchan, Advocate

Industry : Zoological Survey

State : Maharashtra

Bombay, dated the 30th day of August, 1993.

#### AWARD

The Government of India, Ministry of Labour has made the following reference to this Tribunal under section 10(d) of the Industrial Disputes Act, 1947.

“Whether the action of the management of Zoological Survey of India in relation to its

estt. at Pune in not regularising and posting the following three casual labours in the two regular posts of Peons and one post of Sweeper existing in the establishment at Pune is justified? If not to what relief the workmen are entitled to?”

1. Sh. S. V. Meshram working from 1-3-85 to date.

2. Sr. R. S. Ebosale working from 1-5-85 to date.

3. Sh. Rampal Tak working from 3-2-87 to date.

2. Statement of claim and written statement have been filed by the parties. They have also produced documents.

3. However the management has filed a letter dated 16-7-1993 stating that the two aggrieved workmen have been taken back in service and the third has left the department to take up another job.

2. Statement of claim and written statement have been filed by the parties. They have also produced behalf of the workmen has no objection to the same.

Reference disposed off award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 20 सितम्बर, 1993

का.आ. 2140—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फोरेस्ट रिसर्च इन्स्टीट्यूट, देहरादून के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-93 को प्राप्त हुआ था।

[सं. एल-42012/100/89-आई.आर. (डी.यू.) (पीटी)]

के.वी.बी. उणी, डैस्क अधिकारी

New Delhi, the 20th September, 1993

S.O. 2140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Forest Research Institute, Dehradun and their workmen, which was received by the Central Government on 15-9-1993.

[No. L-42012/100/89-IR(DU) (Pt.)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING  
OFFICER : CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 4591

In the matter of dispute between :

Shri Rajesh Kumar & Shri Shyam Lal,  
C-76, F.R.R.E. Colony, P.O. New Fateh,  
Dehradun-248006.

Versus

Chief, Dehradun Centre,  
Logging Development Division,  
F.R.I. Kaulagarh Road,  
Dehradun-248006.

## APPEARANCES :

None for the workman.  
Shri Jog Singh for the Management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/100/89/IR.(DU) dated 22-8-1990 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the Forest Research Institute Dehradun, in terminating the services of Shri Rajesh Kumar, & Shri Shyam Lal w.e.f. 9-5-85 is justified? If not, what relief the workman concerned is entitled to ?”

2. The case was fixed today for admission and denial by the parties but nobody appeared on behalf of the workman while the representative for the management was present. The workman was ordered to be proceeded against ex parte.

3. The management did not lead any oral evidence.

4. In view of the fact that no evidence has been led by the workman in this case nor has he appeared to further contest the case it appears that he is not interested in following the dispute. I, therefore, pass a No dispute award in this case. Parties are however, left to bear their own costs.

30th August 1993.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 20 सितम्बर 1993

का.आ. 2141.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रस्तुतिनटेंडेंट, पोस्ट आफिस, तिरुनेल्वेली के प्रबन्धताले के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविल्ट प्रौद्योगिक विवाद में प्रौद्योगिक अधिकरण मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-9-93 को प्राप्त हुआ था।

[स. एल-40012/37/92-प्राई. आर. (डी.वी.) (पीटी)]  
के.डी.वी. उण्णी, डैस्क अधिकारी

New Delhi, the 20th September, 1993

S.O. 2141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Asstt. Supd. Post Offices, Tirunelveli and their workmen, which was received by the Central Government on 15-9-1993.

[No. L-40012/37/92-IR(DU) (Pt.)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS.

Friday, the 20th day of August, 1993

## PRESENT :

THIRU K. SAMPATH KUMARAN, B.A.B.L.,  
INDUSTRIAL TRIBUNAL.

## INDUSTRIAL DISPUTE NO. 32/1993

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Asstt. Superintendent of Post Offices, Tirunelveli).

## BETWEEN

Shri S. Selvyn Durai,  
S/o Swishesha Mutru,  
Ayodayappa Pillai Veiyian Compound,  
Nadutheru,  
Kalakad-627501.

## AND

The Asst. Superintendent,  
(Post Offices),  
Tirunelveli Sub-division,  
Tirunelveli-627 501.

## REFERENCE :

Order No. L-40012/37/92-IR(DU), dated the 22nd March, 1993, Ministry of Labour, Government of Tamil Nadu, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference and other connected papers on record and both parties being absent, this Tribunal passed the following.

## AWARD

This dispute between the Workman and the Management of the Asst. Superintendent (Post Offices), Tirunelveli Sub-division, Tirunelveli arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India, for adjudication of the following issue :—

“Whether the action of the Management of Asst. Superintendent of Post Offices, Tirunelveli in terminating the services of Shri Selvyan Durai w.e.f. 31-1-91 is justified? If not what relief he is entitled to ?”

When the dispute is called, no representation for the petitioner, Vakalat & Claim Statement not filed. No representation even at 11.40 a.m. Petitioner called absent.

This is a reference regarding a dispute relating to the termination of the petitioner from service. Though opportunity has been given to the Claim Statement, it has not been done and the petitioner remains absent also.

Hence this Industrial Dispute is dismissed for default.

Dated, this 20th day of August, 1993.

Thiru K. Sanipath Kumaran, Industrial Tribunal

नई दिल्ली, 20 सितम्बर, 1993

का.म्र. 2142.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एम.टी.एल. बम्बई के प्रबन्धालंब नंद्रव नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार औंदोलिक अधिकरण नं. 1 बम्बई के अंचल को प्रकाशित करती है, जो केन्द्रीय सरकार की 15-9-93 की प्राप्त हुआ था।

[ल. एन-40012/139/90-प्राई.आर. (डीयू) (पीटी)]

के.वी. वी. उण्णी, डैक अधिकारी

New Delhi, the 20th September, 1993

S.O. 2142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M.T.N.L. Bombay had the workmen which was received by the Central Government on 15-9-1993.

[No. L-40012/139/90-IR(DU) (Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. I AT BOMBAY.  
PRESENT

Shri Justice R. G. Sindhakar, Presiding Officer

Reference No. CGIT of 1991

#### PARTIES :

Employers in relation to the management of  
Mahanagar Telephone Nigam, Ltd., Bombay

AND

Their workmen.

#### APPEARANCES :

For the Management : No appearance.

For the Workmen : Workman present in person.

INDUSTRY : Telephones STATE : Maharashtra

Bombay, dated the 2nd day of September, 1993.

#### AWARD

The following reference has been made to this Tribunal by Government of India, Ministry of Labour by order dated 23/31-1-1991.

“Whether the management of Mahanagar Telephone Nigam Limited Bombay are justified in terminating the services of Shri Kuljeet Singh, Gupta, casual labour in Mandvi Matunga Division, w.e.f. 7-10-1988? If not, what relief is the workman entitled ?

2. The workman has filed statement of claim. He states that he joined Bombay Telephones in or about 1980 and worked as casual labourer for various periods till his retirement in October 1988. The order states that he has worked for more than 240 days and was entitled to one month's pay in lieu of one month's notice. He raised the dispute before conciliation Officer and the management denied that he was in employment since 1980. Contending that he was employed after 7-5-85 it is stated that he was paid one month's wages as per the management's letter dated 24-3-1986. The workman contends that in view of the admission of the management that he worked between 10-2-86 and 6-10-88 he was entitled to the benefit of section 25(f) of the Industrial Disputes Act and since that was not done the termination is illegal. He asks for reinstatement with full back wages.

3. The management sent parawise comments justifying the order on the ground of 'retrenchment policy' of the department. It is stated that he worked for 3 months and 8 days from 1-2-80 till 8-5-80 and 2 months from March 1982 to April 1982.

4. It is to be noted that except on 13-9-91 and 11-11-91 there was no appearance on behalf of the management. Mr. Gote, Manager was present on those two dates.

5. The following issue has been framed.

1. Whether the termination is proper and legal ?

My finding is in the negative for the following reasons.

#### Reasons

The workman has filed an affidavit in support of his claim on 13-8-1993. In the affidavit he has mentioned the number of days he worked in 1987-88 i.e. in one year preceding the date of his termination. They work out 341 days. He has also stated that he worked for 363 (sic) days and 257 days in 1986. He is relying upon document No. 12. He has also mentioned the letter given by Divisional Engineers (Admn.), Planning, MTNL, Bombay on 6-10-88 (No. 13) wherein it is admitted that he worked for more than 240 days prior to 6-10-88.

7. There is no rebuttal on record as I stated earlier there was no appearance on behalf of the management inspite of the fact that the last notice is served on the Chief General Manager, MTNL. Accepting the affidavit and the documents produced, I hold that he has put in more than 240 days in the year preceding the date of termination. Thus he will be deemed to be in continuous service of one year within the meaning of section 25 G of the Act.

8. Once it is so held the consequences follow. Section 25(f) of the Act states that the workman is not only entitled to one months notice and pay but also entitled to retrenchment compensation which shall be equivalent to 15 days average pay for every completed year of service. That has not been paid nor is it the case of the management that it has been. The management is stating that he was given one month's pay in lieu of notice.

9. Clause C of section 25(f) that the appropriate Government has to be given notice. This also has not been done. In the circumstances there is no compliance of section 25(f) of the Act.

10. The management contended that the retrenchment has been done as per policy decision of the departmental and a per office order No. PLQ-General/CL dated 10-5-1989. This section cannot be approved in the teeth of the provisions of section 25(f) of the Industrial Disputes Act.

11. It is, therefore, evident the termination (retrenchment) is invalid and illegal and therefore the workman is entitled to reinstatement with full back wages. I do not see any reason why the same should not be awarded in this case and more so when the management did not also assist this Tribunal to come to a different conclusion on this point.

Award accordingly.

R. G. SINDHAKAR, Presiding Officer

(Directorate General of Employment & Training)

#### ORDER

New Delhi, the 23rd September, 1993

S.O. 2143 :—In pursuance of sub-section (1) of section 8 of the Apprentices Act, 1961 (52 of 1961), the Central Government after consulting the Central Apprenticeship Council hereby determines that for each of the designated trades noted below, the ratio of apprentices to workers other than unskilled workers in these trades, shall be indicated in column 4:—

Sl. No.	Designated Trade	Code number(s) of National Classification of Occupation	Ratio	
			Apprentices	Workers other than unskilled workers.
1	2	3	4	5
1.	Auto Mechanic (Two wheeler/Three wheeler)	843.20, 843.50,	843.30, 843.60	1 : 4

(रोजगार और प्रशिक्षण मंत्रालयेशालय)

गोदान

नई दिल्ली, 23 सितम्बर, 1993

सा.आ. 2143 के द्वारा सरकार, जिला अधिनियम, 1961 (1961 का 52) की धारा 8 की उपधारा (1) के अनुसरण में, केन्द्रीय शिक्षा परिषद से प्राप्त वरने के पश्चात् यह अवधारित करती है कि नीचे लिखित प्रत्रों अधिकृत व्यवसाय के लिए अकुशल कर्मकारों से भिन्न कर्मकारों और शिक्षुओं का इन व्यवसायों में अनुपात स्तर 4 में उपदर्शित रूप में होता :—

क्रम सं०	अधिकृत व्यवसाय	उपकारिता के शास्त्रीय दर्गों का संकेत	शिक्षा अकुशल कर्मकारों में भिन्न कर्मकार	अनुपात
1	आटो मैकेनिक (दो पहिया/त्रिपहिया)	843.20, 843.50,	843.30, 843.60	1 : 4
2	पाइपर ब्रेलिट प्लास्टिक संशाधिक	901.15, 901.25, 901.35, 901.45, 901.55	901.20, 901.30, 901.40, 901.50, 901.60	1 : 5
3	प्लास्टिक उत्पादन प्रबालक	901.20, 901.30, 901.40, 901.50, 901.60	901.25, 901.35, 901.45, 901.55, 901.65	1 : 5
4	आंकड़ा विरक्तन और कम्प्यूटर प्रक्रिया संचयन	103.10,	103.20	1 : 5

[सा. नं. डीजीईटी-2(1)/93-शिक्षा]

वै. एव. अध्यक्ष, अधर सचिव

1	2	3	4
2. Fibre Reinforced Plastic Processor		901.15, 901.25, 901.35, 901.45, 901.55	901.20, 901.30, 910.40, 901.50, 901.55
3. Plastic Processing Operator.		901.20, 901.30, 901.40, 901.50, 901.60	901.25, 901.35, 901.45, 901.55, 901.65
4. Data Preparation and Computer Software.	103.10,	103.20	1 : 5

[F.No. DGET-2(1)/93-AP]  
B.L. BHUSHAN, Under Secy.

नई दिल्ली, 23 सितम्बर, 1993

स.आ. 2144.—केन्द्रीय सरकार, शिक्षा अधिनियम, 1961 (1961 का 52) को आगे 2 के अंक (ज) द्वारा प्रवक्ता शिक्षणों का प्रयोग करने हुए, और केन्द्रीय शिक्षण परिषद से परामर्श करते के पश्चात् उक्त अधिनियम के परामर्श के लिए नियन्त्रिति शब्दायांकों को अधिकृत शब्दायांकों के स्थान में विनियोग करती है, अर्थात्:—

अधिनियम के राष्ट्रीय वर्णकरण के  
कोड संख्याएँ

1 2

मन्त्र सं. 10 लाप हंडन शब्दायांक समूह

7 अटोमोटिफ़ (ट्रोपहिया/  
पिपहिया) 843.20, 843.30, 843.50,  
843.60

मन्त्र सं. 18 राष्ट्रीय वर्णकरण  
मन्त्र सं.  
4 फाइबर प्रैसिंग नाइट्रिक  
संसाधन 901.15, 901.20, 901.25,  
901.30, 901.35, 901.40,  
901.45, 901.50, 901.55  
3 नाइट्रिक नियन्त्रित शब्दायांक 901.20, 901.25, 901.30,  
901.35, 901.40, 901.45  
901.50, 901.55, 901.60,  
901.65

मन्त्र सं. 29 कम्प्यूटर शब्दायांक मन्त्र सं.

1 अप्लिया विरवन और कम्प्यूटर 103.10, 103.20  
प्रोसेसर सामग्री

[का. सं. छांगीदी 2(1)/93-प्र०]  
का. नं. भूषण यादव नियम

New Delhi, 23rd September, 1993

S.O.2144.—In exercise of the powers conferred by clause (e) of section 2 of the Apprentices Act, 1961 (52 of 1961), and after consultation with the Central Apprenticeship Council, the Central Government hereby specifies the following trades as designated trades for the purpose of the said Act, namely:—

Trades

Code number(s) of National Classification of Occupations

**GROUP No. 10—HEAT ENGINE TRADES GROUP:**

7. Auto Mechanic (Two wheeler/Three wheeler) 843.20, 843.30, 843.50, 843.60

**GROUP NO 18—CHEMICAL TRADES GROUP**

4. Fibre Reinforced Plastic Processor

901.15, 901.20, 901.25, 901.30, 901.35,  
901.40, 901.45, 901.50, 901.55

5. Plastic Processing Operator

901.20, 901.25, 901.30, 901.35, 901.40, 901.45  
901.50, 901.55, 901.60, 901.65

**GROUP NO. 29—COMPUTER TRADES GROUPS:**

1. Data Preparation Computer Software 103.10, 103.20

[F.No. DGET-2(1)/93-AP]

B.L. BHUSHAN, Under Secy.